impliedly prohibits the submission to the President, for approval or disapproval, of acts of a subordinate body created by Congress to legislate for the District.

It must be remembered that the District of Columbia Council proposed in S. 1118 would remain subject to the overall supervision of Congress which has and would retain the power "to exercise exclusive legislation" over the District. When Congress enacts laws for the District of Columbia the enactments are submitted to the President for approval. It is entirely appropriate that the acts of a subordinate legislative body to which Congress has delegated power to enact provisions for the government of the District should also submit its enactments to the President for his approval. Such a provision is consistent with the purpose and intent of article I, section 7, clause 17 of the Constitution.

It might also be noted that provisions authorizing a Presidential veto of acts of territorial legislatures established by Congress are not uncommon. Section 19 of the 1916 Jones Act, 39 Stat. 551, establishing a government for the Philippines, provided that acts of the legislature be submitted to the Governor General. If he vetoed an act, the legislature might, by two-thirds vote of each House, override the veto. If the Governor General again disapproved, he was required to submit the act to the President for approval or disapproval.

A similar provision was contained in section 34 of the 1917 Jones Act, 39 Stat. 960, which established a government for Puerto Rico. Similar provisions are also found in the organic acts for Guam, 64 Stat. 389, 48 U.S.C. 1423i, and the Virgin Islands, 68 Stat. 502, 48 U.S.C. 1575(d). To the best of our knowledge the constitutionality of these Presidential veto provisions has never been challenged.

It is true that the authority to make laws governing the territories is derived from article IV, section 3 of the Constitution while the authority to legislate for the District is derived from article I, section 8. Nevertheless, the Supreme Court has indicated that there are similarities between the congressional authority to provide local government for the District and the authority to govern the territories, cf. *District of Columbia* v. *John R. Thompson Co.*, 346 U.S. 100 (1953). The organic acts cited above, then, would seem to provide ample precedent for a Presidential veto provision in District of Columbia home rule legislation.

Finally, we might point out that the substitute bill reported by the House District Committee, H.R. 10115, likewise contains a provision for a Presidential veto of acts of any legislative body established under the Charter Board provisions (section 205(b)(2)). The committee report, House Report 957, indicates that the purpose of the bill is "to provide the maximum local self-government, consistent with the provisions of the Constitution * * *" (p. 6). It must be assumed, then, that the House District Committee also considered a Presidential veto provision to be consistent with the Constitution.

I hope the foregoing information is helpful to you and that it constitutes an adequate response to the questions you presented. If further details are required please let me know.

Sincerely,

_____ _____,
Attorney General.

HOUSE OF REPRESENTATIVES

MONDAY, SEPTEMBER 27, 1965

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., prefaced his prayer with these words of Scripture: Luke 17: 5: *Lord, increase our faith.*

Eternal God, Thou knowest how much we daily need Thee to live radiantly and reverently.

Inspire us to establish an effective unity, amity, and fraternity among men and nations.

Thou alone art the secret and hope of mankind's solidarity and salvation.

We need Thy spirit within our hearts if our civilization is to be kept from falling to pieces.

Grant that we may learn to have faith in Thee for Thou canst satisfy our mortal needs and our immortal longings.

May it be our highest aim to trust and love Thee and may this truth warm our hearts and cause us to bow before Thee in humility.

Grant that our minds may be the sanctuaries of Thy light and as we discharge our duties faithfully may we feel Thy kingdom slowly emerging out of the welter of the confusion in which we labor.

May we possess that peace which is begotten of simple trust in Thee and faithful service to needy humanity.

In Christ's name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Friday, September 24, 1965, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H.R. 10516. An act authorizing the disposal of vegetable tannin extracts from the national stockpile;

H.R. 10714. An act to authorize the disposal of colemanite from the supplemental stockpile;

H.R. 10715. An act to authorize the disposal of chemical grade chromite from the supplemental stockpile;

H.R. 10748. An act to authorize the transfer of copper from the national stockpile to the Bureau of the Mint; and

H.J. Res. 330. Joint resolution to authorize the disposal of chromium metal, acid grade fluorspar, and silicon carbide from the supplemental stockpile.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6852. An act to authorize the disposal, without regard to the prescribed 6-month waiting period, of approximately 47 million pounds of abaca from the national stockpile;

H.R. 7812. An act to authorize the loan of naval vessels to friendly foreign countries, and for other purposes; and

H.R. 10305. An act to authorize the disposal, without regard to the prescribed 6-month waiting period of approximately 124,200,000 pounds of nickel from the national stockpile.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2434. An act to clarify authorization of the Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purposes; and

S. 2469. An act amending sections 2 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a new sea level canal connecting the Atlantic and Pacific Oceans.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 326]

Anderson, Ill.	Gilligan	Pickle
Andrews, George W.	Goodell	Powell
	Gurney	Roosevelt
Andrews, Glenn	Halleck	St Germain
	Hébert	St. Onge
Ashley	Holifield	Scott
Aspinall	Hosmer	Stafford
Bolton	Johnson, Okla.	Stephens
Brock	Kee	Teague, Tex.
Callaway	King, N.Y.	Thomas
Clancy	Landrum	Thompson, Tex.
Clawson, Del	McEwen	Toll
Colmer	Morrison	Tuck
Devine	Murray	Willis
Donohue	O'Hara, Ill.	Wilson, Charles H.
Farnsley	O'Neill, Mass.	
Fascell	Patman	Wright
Frelinghuysen	Philbin	

The SPEAKER. On this rollcall 380 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. MULTER].

HOME RULE FOR THE DISTRICT OF COLUMBIA

Mr. MULTER. Mr. Speaker, pursuant to clause 4, rule 27, I call up Motion No. 5, to discharge the Committee on Rules from the further consideration of House Resolution 515, providing for the consideration of H.R. 4644, to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

The SPEAKER. Did the gentleman from New York sign the petition?

Mr. MULTER. I did, sir.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

Mr. SMITH of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SMITH of Virginia. Mr. Speaker, this motion to discharge is directed at

the Committee on Rules. If adopted, it will discharge the Committee on Rules from the consideration of the resolution which has just been brought up; am I correct in that?

The SPEAKER. The gentleman's statement is correct.

Mr. SMITH of Virginia. And, Mr. Speaker, after that happens, the next question will be on the resolution itself, which has just been referred to, which has just been called up?

The SPEAKER. The gentleman's statement is correct.

Mr. SMITH of Virginia. Now, Mr. Speaker, that resolution waives points of order. There are grave points of order in the bill that is to be recognized. The question I want to ask is whether there will be an opportunity in debate on the rule to advise the House of the facts that it does waive the points of order and that there are points of order with which the House ought to be made familiar.

The SPEAKER. The Chair will state that under the rule on the question of discharge there is 20 minutes, 10 minutes to the side, and that will close debate on the motion. The House will then vote on the adoption of House Resolution 515 without debate or other intervening motions.

Mr. SMITH of Virginia. And, as I understand it, then there will be no opportunity to discuss the resolution itself on which we are about to vote?

The SPEAKER. Not under the standing rules of the House.

Mr. SMITH of Virginia. Now, Mr. Speaker, a further parliamentary inquiry. Will it be in order to move the previous question on the resolution?

The SPEAKER. The Chair will state that under the rules of the House in a matter of this kind there is no debate and the previous question will not be in order.

Mr. SMITH of Virginia. Would be in order?

The SPEAKER. Would not be in order.

Mr. SMITH of Virginia. It looks like you are going to roll over us right fast, does it not?

The SPEAKER. We are operating under the standing rules of the House.

Mr. VIGORITO. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. VIGORITO. A parliamentary inquiry, sir.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. VIGORITO. Would I be in order to move that the House clear the galleries? I am afraid that this bill will generate more heat than light and that emotions will be stirred up. I believe it would be better to clear the galleries.

The SPEAKER. The Chair will state that the gentleman's observation is hardly a parliamentary inquiry.

Under the rule, the gentleman from New York [Mr. MULTER] will be recognized for 10 minutes and the gentleman from South Carolina [Mr. MCMILLAN] will be recognized for 10 minutes.

Mr. MULTER. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Speaker, having been raised and schooled in the District of Columbia, I have long had an interest in the affairs and government of the District. And I have long been an advocate of home rule for the District. Although I can become quite emotional, in light of the admonition we received in the last parliamentary inquiry, I will keep my remarks as restrained as can be. The arguments for and against home rule have been explored and propounded for many years. I do not believe I have heard a new argument on either side of the issue in the last 10 years, although there are indeed many ways of expressing the same arguments. I am impressed by most of the arguments in favor of home rule. I guess that most of all I think it is a matter of simple justice that District residents ought to, as a matter of right, be allowed to choose their own officials, and also I believe that if we allow them to do so we will breathe life into a rather dormant city, and we will all be better off for it, the city, the Congress, and the Nation.

I have never allowed myself the luxury of being wed to any particular form of home rule and have generally supported that which was the consensus at a particular time. I am mindful that any bill to establish a new form of government in the District of Columbia should be constitutional. The Attorney General has said the one proposed is. It should protect the Federal interest, and I believe the proposed bill does by providing a presidential veto over the District council acts which veto the Attorney General has likewise interpreted as constitutional, and which may not be overridden by the District council; and by expressly reserving the power of the Congress to legislate on all local matters; and by expressly authorizing the President to use Federal troops or to take over the local police force if necessary to protect the Federal district; and by providing for an annual congressional appropriation of the Federal payment to the District.

I think it should be recognized that the nature of the community requires the participation of Government employees, and they should be given an opportunity to be active in the election process.

This bill provides for that.

It should have general support in the community as well as in the Congress, and this bill does have strong support in the community, including the spokesmen for both major parties and, what is more important, it provides for a referendum after passage to determine if the local citizens approve the charter. The proposed legislation has passed the Senate as S. 1118, and I believe, as now modified, has the support of the majority of this House. Time alone will tell.

We are proposing an open rule with 5 hours of debate which should give this House an opportunity to work its will on the specific features of the bill.

I am satisfied with the bill as proposed. I suppose if we were of a mind to we could spend the next 3 weeks arguing about the number of members of the council, what their salaries should be, and the nature of their wards, or a myriad of other details. But this does not dampen my desire for an open rule because I feel that this House will give great weight to the contents of the bill as it has already passed the other body, and I feel that this House is more concerned with, and will focus its attention on those matters of major importance.

The alternatives proposed are not attractive.

Retrocession cannot be supported because I do not believe that this Congress wants to give up its ultimate and exclusive control over a major part of the District of Columbia. The State of Maryland has no inclination to acquire this territory. The election of a charter board would only delay the entire subject matter and create such an atmosphere of uncertainty that I cannot imagine how a charter board could function in any way effectively.

I think one of the most important facts to remember is that what we are proposing today is legislative home rule and not constitutional home rule, and what the legislature giveth away the legislature can take away. I think this very fact is going to affect the conduct of the local citizens and I think further the fact that we do have this protection should remind us that we can make any changes slight or entire by changing the entire charter if we so please.

Mr. Speaker, I think the time for home rule is now. I am hopeful this body will support your great leadership in this area and pass this motion so that we can go ahead with a complete discussion for home rule for the District of Columbia.

The SPEAKER. The time of the gentleman has expired.

Mr. MCMILLAN. Mr. Speaker, I yield to the gentleman from North Carolina [Mr. WHITENER] 4 minutes.

Mr. WHITENER. Mr. Speaker, at the outset I would urge all of our colleagues to join with those of us who oppose this sledge hammer resolution which is now before us. As chairman of the subcommittee of the Committee on the District of Columbia, to which home rule legislation was assigned, I can report to you that we were engaged in very splendid hearings and proceeding in an orderly fashion when the legislative package of some 29 or 30 bills was summarily taken away from our committee. The hearings were designed to give to the Congress an opportunity to hear from the citizenship of this area as to their views on the general issue of whether the constitutional system of control of the seat of Government by the Congress as prescribed in article I, section 8 of the Constitution should be interfered with. We heard from many outstanding groups such as the General Federation of Women's Clubs of America with 11 million members who oppose any change in the situation here. We heard from the Federation of Citizens Association of the District of Columbia whose spokesman testified in opposition to any change in the present method of government in the District of Columbia. We heard from

the board of trade in opposition. We also heard from our colleagues in the House who desired to be heard.

Today you are asked to move to the consideration of legislation with a hoodwink over the eyes of the Congress because an opportunity has not been had for this matter to be fully developed. I urge that you join with us in defeating this move which comes to us under circumstances with which you are all familiar.

I read a few days ago that following the signing of the discharge petition, one of the principal architects of this movement in the District of Columbia made the statement that the late Speaker Rayburn had said to him in his office here in the Capitol that so long as he was Speaker of the House of Representatives, there would be no home rule in the District of Columbia. I say to you, it is a poor monument to that great American that we are here today without adequate opportunity to know what the issues are to strike down the wisdom which he had developed over a long period of time. This same local politician, I am told, said last night on television that he did not care, as a leader of this movement, what was done in the House of Representatives—that all they wanted was some kind of bill in order that they could go to a conference with the other body and write whatever they wanted to regardless of what the majority of the Members of the House of Representatives thinks is best.

This is a critical issue for the Nation. It is not merely local in nature.

This is an issue which should be approached with all seriousness and should be approached only after mature consideration based upon full and complete hearings.

I urge that all Members give serious consideration to what we are about to do. It is my hope that after you have conferred among yourselves and have given this matter prayerful and serious consideration, you will join with us in saying that this matter should not be considered in this way but should be postponed until a later date, until the usual procedures have been complied with.

Mr. MULTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland [Mr. MATHIAS].

Mr. MATHIAS. Mr. Speaker, I rise in support of the resolution, and I ask the Members of the House to support this House Resolution 515.

This is the House of Representatives. It is the principle of representative government which breathes life into this House. This is our reason for being here.

In the primary election held in the District of Columbia in May of 1964, 85 percent of those who voted on the question of home rule voted in favor of it. This is an amazing thing, because it is seldom that more than 90 percent of those who vote in elections take the trouble to mark referendum questions, but this was the fact with respect to the home rule question on the ballot last year. This overwhelming vote in favor of home rule cries out for your response today. If you believe that the will of the people matters I urge that you vote for this resolution so that we can have a meaningful debate on the question of home rule in the House and have it now. It is a question long postponed. The hour is now. This is the duty of the House. I think that we should measure ourselves and perform it.

Mr. McMILLAN. Mr. Speaker, I yield myself 1 minute.

When I was in high school I learned that the city of Washington was a Federal City. It was my understanding, and I was taught to believe, that this was the only city in the United States that was created for a special purpose.

We are here today to consider whether we are going to give this city away to some political group. I have had no expression from any responsible taxpayer for home rule. Mr. Rauh and the one Mr. Charley Horsky, and the Washington newspapers have made the mad rush for home rule. If you want to turn this city over to that group, you have an opportunity to do so today. If you want to keep the Capital as it is—and I believe it is one of the most beautiful capitals in the world, one which, in my opinion, has progressed more than any other city in the United States—I ask you to vote down this resolution.

This is no time to be turning the city over to any group, my State, or any other State.

Mr. Speaker, I hope that the petition will be voted down. This is the first time since I have been in Congress that any bill has been taken away from a committee during the hearings.

BACKGROUND OF THE LEGISLATION

Mr. Speaker, what is all the rush or urgency to get so-called home rule legislation adopted today, or before this session ends?

As chairman of the House committee, I several times stated during this session of the Congress that hearings would be held on so-called home rule bills after the committee and the Congress disposed of some legislation which the committee considered to be of far greater importance to the District of Columbia, legislation such as the omnibus anticrime bill—twice passed by the House in the last 2 years—and the rapid transit bill. Also, the new minimum wage law, and automobile insurance legislation, which we considered and passed, both urged by the District of Columbia Commissioners as requiring high priority. These are only a few of the 34 bills which our committee in this session has passed, most of which are waiting action by the other body.

I merely point all this out as answer to those Members who have insisted here on bypassing the House District Committee in order to railroad through the House home rule legislation which has not had the benefit of full hearings. These Members seem insistent that this legislation must be jammed through the House before the Members have a thorough opportunity to study the many detailed provisions of this bill. They must be fearful that on close look the Members will find reasons to oppose the legislation.

I should also point out that 35 so-called home rule bills have been referred to the House District Committee this year. These bills embrace some 2,416 printed pages. The two so-called administration bills alone cover 190 pages—H.R. 4644 has 89 pages, and S. 1118 has 101 pages. It is just a physical impossibility in the time allotted for any Member to read, much less study, many of the sections—except the most controversial ones—of even the bills before the House today.

Again, I say, What is all the rush?

The Senate committee had two bills before it for over 7 months. Even after 2 days of hearings—March 9 and 10—the committee took 3½ months to consider, and agree upon, and report out a bill.

In connection with the hearings of the other body, it is interesting to note that its committee heard 17 witnesses, 4 of whom were Government people, and the remainder were from the general public. All but 2 of the 13 public witnesses heard were proponents of home rule. Others desiring to be heard could only file statements.

The other body considered the bill at various times during the 2 days it was debated, and only a small number participated in the debate.

Within 3 weeks of receipt of the Senate-passed bill, the House District Committee commenced hearings on it and the other home rule bills referred to it.

Again, what is all the rush?

Many of the House Members have participated in the efforts of their own legislatures in rewriting their State constitutions, or in drafting amendments to their constitutions, such as the recent reapportionment battles and so forth. You know what an involved undertaking it is to write or rewrite constitutional provisions, or to draft any delegations of authority such as are proposed in the bills here today, which set up a brand new and different form of government for the District of Columbia.

This is not something to be undertaken lightly, or in some pell-mell rush before adjournment. In all fairness, as responsible and experienced Members of the Congress know, you cannot write or rewrite a 100-page bill of this kind on the floor of the House. You all recall the time and efforts which were necessary in committee after prolonged hearings to perfect legislation for the admissions of our latest States, Alaska and Hawaii.

Contrary to what has been and may be represented to you, the bills before us do not represent the work of any widespread or representative group of the Washington community, but rather, they were drafted by, and satisfy only, a small clique who want to take over the city of Washington for their own purposes, under the guise of merely giving a voice in local affairs to the people of the District of Columbia.

There has been no commission appointed for this purpose, no effort fairly to secure the testimony of all the citizens or of representative groups in the District; no long, drafting sessions of all interested parties, citizen organizations, businesses, and other agencies in the District of Columbia, to come up with a bill which best reflects the wishes of the ma-

jority of the citizens and taxpayers of the District.

The other body, as stated, heard only one group in opposition, the Federation of Citizens Association. By contrast, it did not hear the Metropolitan Washington Board of Trade with over 7,000 members who pay 90 percent of the real taxes in the District of Columbia. It and other such groups who are opposed to the provisions of these bills, in whole or in part, were not given a chance publicly to present their case, only to file statements.

What is the rush?

The House committee held 7 days of hearings, which were terminated when the committee was summarily discharged. Each Member has been sent a copy of these hearings. If you have had the time to glance through them, you will see the very respectable testimony which was presented by responsible citizens and responsible groups who offered very serious objections to enactment of this legislation by the House. There were at least 40 to 50 other witnesses who desired to be heard, cut off by this kangaroo discharge effort.

The House committee heard the proponents fully in the last Congress, and this year devoted the first 3½ days to proponents and then started to hear other witnesses in opposition. As stated, there remains a considerable number of persons, groups, and organizations who have not been heard either by the Senate or House committees, and yet who have huge stakes in the District. But the clique downtown insisted on getting this to the House before the hearings could be concluded, before the subcommittee—chaired by one of the most able lawyers in this body—could even evaluate the very provisions, or perfect or modify or amend the language, where necessary.

I can hardly believe that it is the will of the majority of this distinguished body that we agree to legislation by default, that we accept blindly the parcel before us, to the detriment of this fine Capital City, to the detriment of those whom we are here to represent.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL of Virginia. Mr. Speaker, today the House is being called upon to act in haste on one of the most complicated, confusing, misunderstood problems that we have had before the House of Representatives during this session. We are being asked to consider a bill on this vital and important subject which not only has been denied the consideration and hearings of a duly constituted committee of the House of Representatives, but which the proponents themselves admit is a bad bill and which must be rewritten or changed in clandestine meetings or smoke-filled rooms.

Mr. Speaker, let me assure the Members of the House that these proposed alleged changes will not improve this legislation one iota. They will not even begin to overcome the many objections that have been raised to the legislation. They do not even try to overcome those objections. The proponents want to make just enough changes to lure enough additional votes to get this legislation across the finish line.

Mr. McMILLAN. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL of Virginia. I yield to the gentleman from South Carolina.

Mr. McMILLAN. I neglected to state a moment ago that there is a home rule bill on the calendar, and it can be called up any District day.

Mr. BROYHILL of Virginia. I thank the gentleman.

Mr. Speaker, this is not the proper way to legislate—in a piecemeal, patchwork manner—particularly on legislation which is so complicated, and which has engendered so much emotion.

I do not know all of the reasons for the 218 Members signing the discharge petition, but I imagine they all had a right to expect that they were signing to discharge a sound bill, a bill on which all of the details had been worked out.

We have just had an assurance from the chairman of the Committee on the District of Columbia that the House will have an opportunity to vote on this subject, to act on this subject, through a bill reported out by the duly-constituted committee of this House.

I submit to you, Mr. Speaker, that regardless of how this legislation is amended, it will not meet and overcome all of the objections raised to this legislation.

In view of the assurance on the part of the chairman, I urge the Members of the House to vote down the motion to discharge the committee.

Mr. MULTER. Mr. Speaker, I yield 1 minute to our distinguished colleague from New York [Mr. HORTON].

Mr. HORTON. Mr. Speaker, I am one of those 218 who signed the discharge petition. I also am the ranking Republican on the Subcommittee of the District of Columbia Committee which was hearing the question of home rule.

I can say to Members that it is my judgment that we would not be having an opportunity to express our will on this question were it not for the discharge petition. The reason I signed it was so that the House of Representatives could have an opportunity to express its will on this very important question.

On this question of home rule for the District of Columbia, I should like to read from a statement of Senator Robert A. Taft, made in the Senate in May 1949, at which time he said:

> Washington is a great city, one of the greatest cities in the United States, a city of 900,000 people, and a city which has the same qualification for local home rule as has any other city in the United States.

Senator Robert A. Taft continued:

> Here is a city in which Americans are born, and grow up without any right of home rule whatsoever, without any right to participate in the government which controls their daily affairs and has to do with their daily lives. I myself believe that local, self-government is almost as important to liberty as is National Government.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MULTER. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. HORTON. Senator Taft continued:

> I do not believe we can have real freedom in this country without local self-government and the right of people to determine the matters which affect them in their daily lives, such as the administration of their schools, the condition of their streets, their various public services, and other things in which every community has a vital interest.

That is the reason why I signed the discharge petition, and that is the reason why I believe we should give self-rule to the people of the District of Columbia.

I urge the Members of the House to permit the House to exercise its will by voting for the resolution.

Mr. McMILLAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. SISK].

Mr. SISK. Mr. Speaker, as a supporter of self-government for the District of Columbia, I come to the well today to urge Members to vote against the pending resolution. We have assurance that a bill will be called up early next year to consider this subject in an atmosphere which, in my opinion, will be far more conducive to good government and to giving these people the type and kind of government they should have.

I would urge my colleagues on this occasion for a number of reasons—first, because it is almost October—second, that we not be "patsies" for a few people downtown who have a personal ax to grind, and that the Congress assert its will today and work its judgment and vote down this motion, to let us proceed to take care of the Nation's business for the balance of this year and then get this House adjourned.

Mr. McMILLAN. Mr. Speaker, I yield 2 minutes to the distinguished minority leader [Mr. GERALD R. FORD].

Mr. GERALD R. FORD. Mr. Speaker, I have traditionally opposed the discharge petition method for the consideration of legislation. For this reason I did not sign the discharge petition on this occasion. Inasmuch as I oppose the discharge method, it is not my intention today to vote for the resolution that will shortly be before us.

Furthermore, it seems to me that inasmuch as the Committee on the District of Columbia has now acted, even though I personally have many reservations about the legislation the committee has approved, it does mean in the regular course of events the House of Representatives will have an opportunity to consider home rule legislation and work its will on the next District day, which is October 11. I am also encouraged by the assurance given that the Committee on the District of Columbia will bring forth home rule legislation for certain in this Congress.

Let me add this footnote, however. I personally would hope that the House of Representatives, if we do have an opportunity to work our will, will approve some legislation that will give an autonomy, some home rule, to the District of Columbia. To achieve this and to satisfy myself I think perhaps there must

be certain changes made in the various bills that have come to my attention.

First, I think it is mandatory that we have nonpartisan elections. The overwhelming majority of communities, the metropolitan areas of this country, do have nonpartisan municipal elections. My hometown of Grand Rapids, Mich., and the communities from which most of us come have nonpartisan elections. This is the growing trend and a sound one. According to studies made by specialists in political science, the trend is this way. Why should we go in opposition or contrary to that trend when we are taking or may take this step in the Nation's Capital?

Second, I believe it is essential and mandatory that we have an annual review of the amount that the Federal Government must pay to the District of Columbia for the services that are rendered for the National Government. Such a provision I understand is included in one of the compromises. Such a provision for annual review by the House and Senate Committees on Appropriations is mandatory.

Ladies and gentlemen of the House, I hope, one, we defeat the resolution; and two, if the resolution is approved, we must work our will, we must incorporate these provisions and several others that have been recommended by the House Republican policy committee.

The SPEAKER. The gentleman from South Carolina's time has expired. The gentleman from New York has 2½ minutes remaining.

Mr. MULTER. Mr. Speaker, I yield that time to myself.

Mr. Speaker, the time of decision is nigh. I believe that the Congress has never before witnessed, and I doubt whether it will ever again witness, a motion to discharge a committee from the consideration of a bill that is more appropriate, more proper, more necessary, more desirable than the motion now before the House. For the 10 terms that I have served in this House I have joined colleagues on both sides of the aisle in introducing home rule bills. During the Eisenhower administration I joined our Republican colleagues in introducing the Eisenhower bill for home rule. During the Kennedy administration they joined me in offering the Kennedy proposal for home rule. Again in this session we have joined together, Republicans and Democrats, and it is a pledge of the platform of both major parties, in introducing President Johnson's home rule bill for the District of Columbia.

Each year I asked the District Committee to hold hearings on these bills. I did it this year orally and in writing. Each time I was politely put off.

Mr. ALBERT. Mr. Speaker, will the gentleman yield to me?

Mr. MULTER. Surely; I yield to the majority leader.

Mr. ALBERT. I want to commend the gentleman on the stand he is making and add that the procedure under which this bill comes to the floor of the House is a democratic procedure. It represents the manifestation of the will of a majority of the Members. If we ever lose majority rule in this House, we will lose the power to act as a representative body. Democratically brought forward this is a bill to extend the democratic principle to the residents of the District of Columbia. I hope the resolution is agreed to.

Mr. MULTER. I thank our able and distinguished majority leader for that fine contribution.

Mr. WHITENER. Mr. Speaker, will the gentleman yield to me?

Mr. MULTER. I cannot yield, I do not have enough time; I should like to very much.

Mr. WHITENER. Will the gentleman yield for a brief question?

Mr. MULTER. Permit me to finish my statement and, if I have time, I will be glad to yield.

No hearings were started this year before the District Committee until we had introduced the resolution that is before us and announced that a discharge petition would be placed upon the desk.

The other body had passed its home rule bill, S. 1118, on July 22, 1965.

Hearings in the House committee were started on August 18, 1965. The committee compiled a printed record of the hearings of 572 pages.

When the 216th signature was affixed to the discharge petition on September 2, 1965, the distinguished chairman of the House District Committee tried to hastily convene an executive session of that committee to report out an alleged home rule bill.

Although no proper notice was given, that committee claims to have reported a bill. The bill reported had not even been introduced. It was dropped in the hopper the next day, September 3, 1965 and was assigned the number H.R. 10115. It is that bill that House Report No. 957 of September 3, 1965 refers to.

The report was never submitted to the committee for approval and most committee members never saw it until it was printed.

One of the architects of that plan to divert attention from a true home rule bill referred to H.R. 4644 and H.R. 11218 as having been clandestinely put together.

Nothing could have been more clandestine than the report of the committee on H.R. 10115 or the so-called staff synopsis subsequently distributed by the chairman.

Permit me to caution those that have read that document, that it is inaccurate, unfair, and incomplete.

Incidentally for the answers to questions culled from the Senate hearings, please refer to the CONGRESSIONAL RECORD of September 24, beginning at page 25083 thereof. I set forth these answers which appear in the Senate record, at pages 300 to 321 of that body's hearings.

I urge adoption of the pending motion.

The SPEAKER. The time of the gentleman from New York [Mr. MULTER] has expired. All time has expired.

The question is on the motion of the gentleman from New York [Mr. MULTER] to discharge the Committee on Rules from further consideration of House Resolution 515.

Mr. BROYHILL of Virginia. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 213, nays 183, not voting 36, as follows:

[Roll No. 327]

YEAS—213

Adams	Gilbert	Murphy, Ill.
Addabbo	Gilligan	Murphy, N.Y.
Albert	Gonzalez	Nedzi
Anderson, Tenn.	Grabowski	Nix
	Gray	O'Brien
Annunzio	Green, Oreg.	O'Hara, Mich.
Baldwin	Green, Pa.	Olsen, Mont.
Bandstra	Greigg	Olson, Minn.
Barrett	Grider	Ottinger
Bell	Griffin	Patten
Bingham	Griffiths	Pelly
Blatnik	Hagen, Calif.	Pepper
Boggs	Halpern	Perkins
Boland	Hamilton	Powell
Bolling	Hanley	Price
Brademas	Hanna	Pucinski
Broomfield	Hansen, Iowa	Race
Brown, Calif.	Hansen, Wash.	Redlin
Burke	Harvey, Mich.	Reid, N.Y.
Burton, Calif.	Hathaway	Resnick
Byrne, Pa.	Hawkins	Reuss
Cahill	Hechler	Rhodes, Pa.
Callan	Helstoski	Rivers, Alaska
Cameron	Hicks	Robison
Carey	Holland	Rodino
Celler	Horton	Ronan
Clark	Howard	Roncalio
Cleveland	Hungate	Rooney, N.Y.
Clevenger	Huot	Rooney, Pa.
Cohelan	Irwin	Roosevelt
Conable	Jacobs	Rosenthal
Conte	Joelson	Rostenkowski
Conyers	Johnson, Calif.	Roush
Corbett	Karsten	Roybal
Corman	Karth	Ryan
Craley	Kastenmeier	St Germain
Culver	Keogh	St. Onge
Daddario	King, Calif.	Scheuer
Daniels	King, Utah	Schisler
Dawson	Kluczynski	Schmidhauser
Delaney	Krebs	Schweiker
Dent	Leggett	Secrest
Denton	Lindsay	Senner
Diggs	Long, Md.	Shipley
Dow	Love	Sickles
Dulski	McCarthy	Slack
Duncan, Oreg.	McClory	Smith, Iowa
Dwyer	McDowell	Smith, N.Y.
Dyal	McFall	Stafford
Edmondson	McGrath	Staggers
Edwards, Calif.	McVicker	Stalbaum
Ellsworth	Macdonald	Stratton
Evans, Colo.	Machen	Sullivan
Fallon	Mackay	Sweeney
Farbstein	Mackie	Tenzer
Farnsley	Madden	Thompson, N.J.
Farnum	Mailliard	Todd
Fascell	Mathias	Tunney
Feighan	Matsunaga	Tupper
Flood	May	Udall
Fogarty	Meeds	Ullman
Foley	Miller	Van Deerlin
Ford, William D.	Minish	Vanik
	Mink	Vigorito
Fraser	Moeller	Vivian
Friedel	Monagan	Weltner
Fulton, Pa.	Moorhead	Widnall
Fulton, Tenn.	Morgan	Wolff
Gallagher	Morse	Wyatt
Garmatz	Mosher	Yates
Giaimo	Moss	Zablocki
Gibbons	Multer	

NAYS—183

Abbitt	Broyhill, N.C.	Davis, Ga.
Abernethy	Broyhill, Va.	Davis, Wis.
Adair	Buchanan	de la Garza
Andrews, N. Dak.	Burleson	Derwinski
	Burton, Utah	Devine
Arends	Byrnes, Wis.	Dickinson
Ashbrook	Cabell	Dingell
Ashmore	Carter	Dole
Ayres	Casey	Dorn
Baring	Cederberg	Dowdy
Bates	Chamberlain	Downing
Battin	Chelf	Duncan, Tenn.
Beckworth	Clancy	Edwards, Ala.
Belcher	Clausen, Don H.	Erlenborn
Bennett		Everett
Berry	Collier	Evins, Tenn.
Betts	Cooley	Findley
Bonner	Cramer	Fino
Bow	Cunningham	Fisher
Bray	Curtin	Flynt
Brock	Curtis	Ford, Gerald R.
Brooks	Dague	Fountain

Fuqua	MacGregor	Satterfield
Gathings	Mahon	Saylor
Gettys	Marsh	Schneebeli
Gross	Martin, Ala.	Selden
Grover	Martin, Mass.	Shriver
Gubser	Martin, Nebr.	Sikes
Hagan, Ga.	Matthews	Sisk
Haley	Michel	Skubitz
Hall	Mills	Smith, Calif.
Hansen, Idaho	Minshall	Smith, Va.
Hardy	Mize	Springer
Harris	Moore	Stanton
Harsha	Morris	Steed
Harvey, Ind.	Morton	Stubblefield
Hays	Murray	Talcott
Henderson	Natcher	Taylor
Herlong	Nelsen	Teague, Calif.
Hull	O'Konski	Teague, Tex.
Hutchinson	O'Neal, Ga.	Thomson, Wis.
Ichord	Passman	Trimble
Jarman	Patman	Tuck
Jennings	Pike	Tuten
Johnson, Pa.	Pirnie	Utt
Jonas	Poage	Waggonner
Jones, Ala.	Poff	Walker, Miss.
Jones, Mo.	Pool	Walker, N. Mex.
Keith	Purcell	Watkins
Kelly	Quie	Watson
Kirwan	Quillen	Watts
Kornegay	Randall	Whalley
Kunkel	Reid, Ill.	White, Idaho
Laird	Reifel	White, Tex.
Langen	Rhodes, Ariz.	Whitener
Latta	Rivers, S.C.	Whitten
Lennon	Roberts	Williams
Lipscomb	Rogers, Colo.	Wilson, Bob
Long, La.	Rogers, Fla.	Wydler
McCulloch	Rogers, Tex.	Young
McDade	Roudebush	Younger
McMillan	Rumsfeld	

NOT VOTING—36

Anderson, Ill.	Goodell	O'Neill, Mass.
Andrews, George W.	Gurney	Philbin
	Halleck	Pickle
Andrews, Glenn	Hébert	Reinecke
	Holifield	Scott
Ashley	Hosmer	Stephens
Aspinall	Johnson, Okla.	Thomas
Bolton	Kee	Thompson, Tex.
Callaway	King, N.Y.	Toll
Clawson, Del	Landrum	Willis
Colmer	McEwen	Wilson, Charles H.
Donohue	Morrison	
Frelinghuysen	O'Hara, Ill.	Wright

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Hébert against.

Mr. Charles H. Wilson for, with Mr. Colmer against.

Mr. Toll for, with Mr. George W. Andrews against.

Mr. Holifield for, with Mr. Hosmer against.

Mr. Donohue for, with Mr. Scott against.

Mr. Philbin for, with Mr. Stephens against.

Mr. Morrison for, with Mr. Landrum against.

Mr. Kee for, with Mr. King of New York against.

Mr. Ashley for, with Mr. Halleck against.

Mr. O'Hara of Illinois for, with Mr. Glenn Andrews against.

Until further notice:

Mr. Aspinall with Mr. McEwen.

Mr. Johnson of Oklahoma with Mr. Anderson of Illinois.

Mr. Pickle with Mr. Goodell.

Mr. Thomas with Mr. Del Clawson.

Mr. Wright with Mrs. Bolton.

Mr. Thompson of Texas with Mr. Callaway.

Mr. Willis with Mr. Gurney.

Mr. PELLY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution the Speaker shall recognize Representative ABRAHAM J. MULTER, or Representative CARLTON R. SICKLES, or Representative CHARLES MCC. MATHIAS, JUNIOR, or Representative FRANK J. HORTON to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4644) to provide an elected mayor, city council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed five hours, to be equally divided and controlled by one of the aforementioned Members and a Member who is opposed to said bill to be designated by the Speaker, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions. After the passage of H.R. 4644, the Committee on the District of Columbia shall be discharged from the further consideration of the bill S. 1118, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 4644 as passed. This special order shall be a continuing order until the bill is finally disposed of.

The SPEAKER. The question is on agreeing to the resolution.

Mr. SMITH of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 223, nays 179, not voting 30, as follows:

[Roll No. 328]

YEAS—223

Adams	Diggs	Hagen, Calif.
Addabbo	Dingell	Halpern
Albert	Donohue	Hamilton
Anderson, Tenn.	Dow	Hanley
	Dulski	Hanna
Annunzio	Duncan, Oreg.	Hansen, Iowa
Baldwin	Dwyer	Hansen, Wash.
Bandstra	Dyal	Harvey, Mich.
Barrett	Edmondson	Hathaway
Bell	Edwards, Calif.	Hawkins
Bingham	Ellsworth	Hechler
Blatnik	Evans, Colo.	Helstoski
Boggs	Evins, Tenn.	Hicks
Boland	Fallon	Holland
Bolling	Farbstein	Horton
Brademas	Farnsley	Howard
Broomfield	Farnum	Hungate
Brown, Calif.	Fascell	Huot
Burke	Feighan	Ichord
Burton, Calif.	Flood	Irwin
Byrne, Pa.	Fogarty	Jacobs
Cahill	Foley	Joelson
Callan	Ford, William D.	Johnson, Calif.
Cameron		Karsten
Carey	Fraser	Karth
Celler	Friedel	Kastenmeier
Clark	Fulton, Pa.	Keogh
Cleveland	Fulton, Tenn.	King, Calif.
Clevenger	Gallagher	King, Utah
Cohelan	Garmatz	Kluczynski
Conable	Giaimo	Krebs
Conte	Gibbons	Leggett
Conyers	Gilbert	Lindsay
Corbett	Gilligan	Long, Md.
Corman	Gonzalez	Love
Craley	Grabowski	McCarthy
Culver	Gray	McClory
Daddario	Green, Oreg.	McDade
Daniels	Green, Pa.	McDowell
Dawson	Greigg	McFall
Delaney	Grider	McGrath
Dent	Griffin	McVicker
Denton	Griffiths	Macdonald
MacGregor	Pelly	Schweiker
Machen	Pepper	Secrest
Mackay	Perkins	Senner
Mackie	Philbin	Shipley
Madden	Powell	Shriver
Mailliard	Price	Sickles
Mathias	Pucinski	Slack
Matsunaga	Quie	Smith, Iowa
May	Race	Smith, N.Y.
Meeds	Redlin	Stafford
Miller	Reid, N.Y.	Staggers
Minish	Resnick	Stalbaum
Mink	Reuss	Stratton
Mize	Rhodes, Pa.	Sullivan
Moeller	Rivers, Alaska	Sweeney
Monagan	Robison	Tenzer
Moorhead	Rodino	Thompson, N.J.
Morgan	Ronan	Todd
Morse	Roncalio	Trimble
Mosher	Rooney, N.Y.	Tunney
Moss	Rooney, Pa.	Udall
Multer	Roosevelt	Ullman
Murphy, Ill.	Rosenthal	Van Deerlin
Murphy, N.Y.	Rostenkowski	Vanik
Nedzi	Roush	Vigorito
Nix	Roybal	Vivian
O'Brien	Ryan	Weltner
O'Hara, Mich.	St Germain	Widnall
Olsen, Mont.	St. Onge	Wolff
Olson, Minn.	Scheuer	Wyatt
Ottinger	Schisler	Yates
Patten	Schmidhauser	Zablocki

NAYS—179

Abbitt	Findley	O'Konski
Abernethy	Fino	O'Neal, Ga.
Adair	Fisher	Passman
Andrews, Glenn	Flynt	Patman
	Ford, Gerald R.	Pike
Andrews, N. Dak.	Fountain	Pirnie
	Fuqua	Poage
Arends	Gathings	Poff
Ashbrook	Gettys	Pool
Ashmore	Gross	Purcell
Ayres	Grover	Quillen
Baring	Gubser	Randall
Bates	Gurney	Reid, Ill.
Battin	Hagan, Ga.	Reifel
Beckworth	Haley	Rhodes, Ariz.
Belcher	Hall	Rivers, S.C.
Bennett	Hansen, Idaho	Roberts
Berry	Hardy	Rogers, Colo.
Betts	Harris	Rogers, Fla.
Bonner	Harsha	Rogers, Tex.
Bow	Harvey, Ind.	Roudebush
Bray	Hays	Rumsfeld
Brock	Henderson	Satterfield
Brooks	Herlong	Saylor
Broyhill, N.C.	Hull	Schneebeli
Broyhill, Va.	Hutchinson	Selden
Buchanan	Jarman	Sikes
Burleson	Jennings	Sisk
Burton, Utah	Johnson, Pa.	Skubitz
Byrnes, Wis.	Jonas	Smith, Calif.
Cabell	Jones, Ala.	Smith, Va.
Callaway	Jones, Mo.	Springer
Carter	Keith	Stanton
Casey	Kelly	Steed
Cederberg	King, N.Y.	Stephens
Chamberlain	Kirwan	Stubblefield
Chelf	Kornegay	Talcott
Clancy	Kunkel	Taylor
Clausen, Don H.	Laird	Teague, Calif.
	Langen	Teague, Tex.
Collier	Latta	Thomson, Wis.
Cooley	Lennon	Tuck
Cramer	Lipscomb	Tuten
Cunningham	Long, La.	Utt
Curtin	McCulloch	Waggonner
Curtis	McMillan	Walker, Miss.
Dague	Mahon	Walker, N. Mex.
Davis, Ga.	Marsh	Watkins
Davis, Wis.	Martin, Ala.	Watson
de la Garza	Martin, Mass.	Watts
Derwinski	Martin, Nebr.	Whalley
Devine	Matthews	White, Idaho
Dickinson	Michel	White, Tex.
Dole	Mills	Whitener
Dorn	Minshall	Whitten
Dowdy	Moore	Williams
Downing	Morris	Wilson, Bob
Duncan, Tenn.	Morton	Wydler
Edwards, Ala.	Murray	Young
Erlenborn	Natcher	Younger
Everett	Nelsen	

NOT VOTING—30

Anderson, Ill.	Colmer	Johnson, Okla.
Andrews, George W.	Frelinghuysen	Kee
	Goodell	Landrum
Ashley	Halleck	McEwen
Aspinall	Hébert	Morrison
Bolton	Holifield	O'Hara, Ill.
Clawson, Del	Hosmer	O'Neill, Mass.

Pickle	Thompson, Tex.	Wilson,
Reinecke	Toll	Charles H.
Scott	Tupper	Wright
Thomas	Willis	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. O'Neill of Massachusetts for, with Mr. Hébert against.

Mr. Charles H. Wilson for, with Mr. Colmer against.

Mr. Toll for, with Mr. George W. Andrews against.

Mr. Holifield for, with Mr. Hosmer against.

Mr. Morrison for, with Mr. Scott against.

Mr. Kee for, with Mr. Landrum against.

Mr. Ashley for, with Mr. Halleck against.

Until further notice:

Mr. Thomas with Mrs. Bolton.

Mr. Thompson of Texas with Mr. Del Clawson.

Mr. Aspinall with Mr. McEwen.

Mr. Pickle with Mr. Anderson of Illinois.

Mr. Willis with Mr. Goodell.

Mr. Wright with Mr. Frelinghuysen.

Mr. O'Hara of Illinois with Mr. Johnson of Oklahoma.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER. Pursuant to the provisions of the resolution (H. Res. 515), the Chair designates the gentleman from South Carolina [Mr. McMILLAN] to control the time in opposition to the bill, H.R. 4644.

The Chair recognizes the gentleman from New York [Mr. MULTER].

Mr. MULTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4644) to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes.

CALL OF THE HOUSE

Mr. McMILLAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from South Carolina [Mr. McMILLAN] makes the point of order that a quorum is not present. Evidently, a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 329]

Anderson, Ill.	Halleck	Powell
Andrews, George W.	Hanna	Reinecke
Ashley	Harsha	Resnick
Aspinall	Hébert	Scott
Bolton	Holifield	Smith, Calif.
Bonner	Hosmer	Thomas
Brown, Calif.	Irwin	Thompson, Tex.
Clawson, Del	Johnson, Okla.	Toll
Cleveland	Kee	Williams
Colmer	Landrum	Willis
Conyers	McEwen	Wilson,
Davis, Wis.	Morrison	Charles H.
Frelinghuysen	O'Hara, Ill.	Wright
Goodell	O'Neill, Mass.	
	Pickle	

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall, 388 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

HOME RULE FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. MULTER] that the House resolve itself into the Committee on the Whole House on the State of the Union for the consideration of the bill H.R. 4644.

The question was taken.

Mr. WAGGONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore (Mr. ALBERT). The Chair will count. [After counting.] Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 234, nays 155, not voting 44, as follows:

[Roll No. 330]

YEAS—234

Adams	Ford, Gerald R.	Machen
Addabbo	Ford,	Mackay
Albert	William D.	Mackie
Anderson, Tenn.	Fraser	Madden
	Friedel	Mahon
Annunzio	Fulton, Pa.	Mailliard
Baldwin	Fulton, Tenn.	Mathias
Bandstra	Gallagher	Matsunaga
Barrett	Garmatz	May
Bates	Giaimo	Meeds
Bell	Gibbons	Miller
Bingham	Gilbert	Minish
Blatnik	Gilligan	Mink
Boland	Gonzalez	Mize
Boiling	Grabowski	Moeller
Brademas	Gray	Monagan
Broyhill, N.C.	Green, Oreg.	Moorhead
Burke	Green, Pa.	Morgan
Burton, Calif.	Greigg	Morse
Byrne, Pa.	Grider	Morton
Cahill	Griffin	Mosher
Callan	Griffiths	Moss
Cameron	Grover	Multer
Carey	Hagen, Calif.	Murphy, Ill.
Celler	Halpern	Murphy, N.Y.
Clark	Hamilton	Nedzi
Clausen, Don H.	Hanley	Nix
	Hansen, Iowa	O'Brien
Cleveland	Hansen, Wash.	O'Hara, Mich.
Clevenger	Harvey, Mich.	Olsen, Mont.
Cohelan	Hathaway	Olson, Minn.
Conable	Hawkins	Ottinger
Conte	Hechler	Patten
Conyers	Helstoski	Pelly
Corbett	Hicks	Pepper
Corman	Holland	Perkins
Craley	Horton	Philbin
Culver	Howard	Pirnie
Curtis	Hungate	Powell
Daddario	Huot	Price
Daniels	Ichord	Pucinski
Dawson	Jacobs	Quie
Delaney	Joelson	Race
Dent	Johnson, Calif.	Randall
Denton	Karsten	Redlin
Diggs	Karth	Reid, N.Y.
Donohue	Kastenmeier	Reifel
Dow	Keith	Resnick
Dulski	Keogh	Reuss
Duncan, Oreg.	King, Calif.	Rhodes, Pa.
Dwyer	King, Utah	Robison
Dyal	Kluczynski	Rodino
Edmondson	Krebs	Rogers, Colo.
Edwards, Calif.	Leggett	Ronan
Ellsworth	Lindsay	Roncalio
Evans, Colo.	Long, Md.	Rooney, N.Y.
Fallon	Love	Rooney, Pa.
Farbstein	McCarthy	Roosevelt
Farnsley	McClory	Rosenthal
Farnum	McDade	Rostenkowski
Fascell	McDowell	Roush
Feighan	McFall	Roybal
Flood	McGrath	Rumsfeld
Fogarty	McVicker	Ryan
Foley	Macdonald	St Germain
St. Onge	Stafford	Udall
Scheuer	Staggers	Ullman
Schisler	Stalbaum	Van Deerlin
Schmidhauser	Steed	Vanik
Schweiker	Stratton	Vigorito
Secrest	Sullivan	Vivian
Senner	Sweeney	Watts
Shipley	Teague, Calif.	Weitner
Shriver	Tenzer	White, Idaho
Sickles	Thompson, N.J.	Wolff
Sisk	Todd	Wyatt
Slack	Trimble	Wydler
Smith, Iowa	Tunney	Yates
Smith, N.Y.	Tupper	Zablocki

NAYS—155

Abbitt	Erlenborn	Morris
Abernethy	Everett	Murray
Adair	Findley	Natcher
Andrews, Glenn	Fino	Nelsen
	Fisher	O'Konski
Andrews, N. Dak.	Flynt	O'Neal, Ga.
	Fountain	Passman
Arends	Fuqua	Patman
Ashbrook	Gathings	Pike
Ashmore	Gettys	Poage
Ayres	Gross	Poff
Battin	Gubser	Pool
Beckworth	Gurney	Purcell
Belcher	Hagan, Ga.	Quillen
Bennett	Haley	Reid, Ill.
Berry	Hall	Rhodes, Ariz.
Betts	Hansen, Idaho	Rivers, S.C.
Bonner	Hardy	Roberts
Bow	Harris	Rogers, Fla.
Bray	Harvey, Ind.	Rogers, Tex.
Brock	Hays	Roudebush
Brooks	Henderson	Satterfield
Broyhill, Va.	Herlong	Saylor
Buchanan	Hull	Schneebeli
Burleson	Hutchinson	Selden
Burton, Utah	Jarman	Sikes
Byrnes, Wis.	Jennings	Smith, Va.
Cabell	Johnson, Pa.	Springer
Callaway	Jonas	Stanton
Carter	Jones, Mo.	Stephens
Casey	Kelly	Stubblefield
Cederberg	King, N.Y.	Talcott
Chamberlain	Kirwan	Taylor
Chelf	Kornegay	Teague, Tex.
Clancy	Kunkel	Thomson, Wis.
Collier	Laird	Tuck
Cooley	Langen	Tuten
Cramer	Latta	Utt
Cunningham	Lennon	Waggonner
Curtin	Lipscomb	Walker, Miss.
Dague	Long, La.	Walker, N. Mex.
Davis, Ga.	McCulloch	Watkins
Davis, Wis.	McMillan	Watson
de la Garza	MacGregor	Whalley
Derwinski	Marsh	White, Tex.
Devine	Martin, Ala.	Whitener
Dickinson	Martin, Mass.	Whitten
Dole	Martin, Nebr.	Williams
Dorn	Matthews	Wilson, Bob
Dowdy	Michel	Young
Downing	Mills	Younger
Duncan, Tenn.	Minshall	
Edwards, Ala.	Moore	

NOT VOTING—44

Anderson, Ill.	Goodell	O'Neill, Mass.
Andrews, George W.	Halleck	Pickle
	Hanna	Reinecke
Ashley	Harsha	Rivers, Alaska
Aspinall	Hébert	Scott
Baring	Holifield	Skubitz
Boggs	Hosmer	Smith, Calif.
Bolton	Irwin	Thomas
Broomfield	Johnson, Okla.	Thompson, Tex.
Brown, Calif.	Jones, Ala.	Toll
Clawson, Del	Kee	Widnall
Colmer	Landrum	Willis
Dingell	McEwen	Wilson,
Evins, Tenn.	Morrison	Charles H.
Frelinghuysen	O'Hara, Ill.	Wright

So the motion was agreed to.

The result of the vote was announced as above recorded.

The doors were opened.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 4644, with Mr. KEOGH in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MULTER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, L'Shanah Tovah Tikosevu. Those three Hebrew words are the traditional New Year's greeting of my coreligionists who observed the beginning of New Year, beginning last night at sunset. Its relevance will become clear in a moment.

Mr. ALBERT. Mr. Chairman, will the gentleman yield to me?

Mr. MULTER. I will be very happy to yield to our majority leader.

Mr. ALBERT. Mr. Chairman, we appreciate our distinguished colleague wishing us a Happy New Year. I would like to say to the House that while we may have differences on legislative matters, there is one matter, speaking of happiness, with respect to which there is no disagreement among us, and that is the happiness we share in noting the presence on the floor today of our valued, lovable colleague, that great warrior who has been waging a successful battle against illness, the distinguished and able gentleman from North Carolina [Mr. BONNER].

Mr. MULTER. Mr. Chairman, the traditional greeting I gave you a moment ago is even more apropos, and we extend it not only to all of our colleagues but particularly to the gentleman from North Carolina [Mr. BONNER].

The translation of that greeting is:

May you be inscribed in the Book of Life for a good year, a year of good health, prosperity and peace.

The reason this greeting came into being is because we believe that the Lord on high judges every one of us during this period of the year, and if He finds that we are truly pentinent of our sins both against God and against man, and that we have consecrated ourselves to Him and rededicated ourselves to His cause of freedom, justice, and peace, then He will inscribe us in the Book of Life for a good year.

If you recall theologians and historians alike agree that Moses caused the establishment upon this earth of the first constitutional republican form of government, and the second such establishment of a constitutional republic came about when this country, these United States of America, were brought into being. I dare prophesy that if we adhere to those important principles, these great United States of America will be as everlasting as the Old Testament which laid down the precept, as enunciated in Exodus:

Choose ye able men who love God, men of truth, hating covetousness, dedicated to the reign of freedom, justice and peace and select as your rulers these men to rule over thousands, over hundreds, over fifties, over tens.

Here, too, theologians and historians agree that we can relate the thousands to nations, the hundreds to states, the fifties to cities and the tens to towns and villages. And in these United States we have followed that divine directive these many years.

We have allowed the people to select their rulers of the Nation. We have allowed them to pick their rulers of the States. We have allowed them to pick their rulers of their cities and towns and villages, except in the District of Columbia, in the great city of Washington.

Here, Mr. Chairman, these many years we have denied them that right.

Mr. Chairman, in using the word "rulers" we interpret it in its broadest sense to include Presidents, Governors, mayors, and legislators, whether they sit on the town board or the city council, in State legislatures, or in the U.S. Congress.

So, Mr. Chairman, I exhort our fellow Members today to return to that covenant and give to the city of Washington, the District of Columbia, that which we recognize as our right throughout the country, that for which we fought at home and for which we fight in other countries.

I trust that in the hours ahead when we debate this bill, we shall address ourselves to the merits or, if you please, the lack of merits of the bill, without rancor and without loss of temper; that we do it fairly and justly so that we can arrive at the kind of result of which we can be proud; that when we pass this bill and when it finally goes to the President for his approval, we shall be proud of the job that we have done in restoring—and I repeat and emphasize "restoring"—to the people of the city of Washington and the District of Columbia their right to govern themselves, by electing a city council, a city mayor, and by carrying out the other provisions of this bill.

Now, Mr. Chairman, a word about the legislative situation. Many bills have been introduced providing for home rule for the District of Columbia. The so-called retrocession bill is not a home rule bill; the so-called referendum bill that calls for a referendum and the election of a charter commission and a referendum upon that, and then a vote by this Congress, is not a home rule bill.

The bills that provide for a charter for the District of Columbia, such as we have pending before us now, will give home rule to the District of Columbia and to its people. There can be differences of opinion as to the various provisions of the bill, and I imagine that there will be considerable discussion about those differences, but if we keep in mind that our purpose is to give true home rule to the people of the District of Columbia, retaining unto us, the Congress, the constitutional mandate that we will oversee and make sure that at all times it does that which is right and proper and constitutional, retaining at all times the right to change, modify, or repeal anything that they may do on the local level. We can entrust unto them the right to elect their local officials to try to do the job that should be done for themselves by themselves.

Mr. Chairman, I wonder how many of our colleagues know that we in this Congress have spend our time determining how long a leash a dog may be led by on the streets of the District of Columbia. I wonder if the members of the committee recall that we had to spend time here on a bill which concerned itself with the privilege of a clergyman not to disclose that which his congregrant had confessed to him? I wonder if you can recall the many, many bills of inconsequential effect that we here have had to pass upon and enact with reference to the streets and the houses of the District of Columbia?

Surely your constituents have a right to expect us to give our time and energy to the important things that are of national concern and not of local concern.

I have enjoyed my service on the District of Columbia Committee, but I assure you that every last member of that committee can be devoting their time much more effectively to matters of national concern and merely oversee that which is done at the local level.

In order that other members who have worked so hard to bring to this body a bipartisan bill, I shall take no further time now so that they can participate in this debate. They should have the opportunity to present their views on this important legislation. I hope then you will join us in this effort to bring home rule to the District of Columbia.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman has made a very interesting statement about everything, but none about the legislation that is pending. The gentleman has introduced five bills on so-called home rule. I was wondering on which rock is he resting today. Could he give us some explanation?

Mr. MULTER. Before the debate is closed we will give you a complete explanation of all of the bills. The five bills I have introduced have been introduced to get before the committee and the Congress every version of home rule—the Eisenhower version, the Kennedy version, the Johnson version, and the last bill introduced by me will be offered as a substitute for H.R. 4644. That is the bill which we hope the House will adopt.

Mr. WHITENER. I wonder if the gentleman will be kind enough to tell us what effect these last two bills will have on the District court system?

Mr. MULTER. They will do nothing to the court system. The court system continues as it exists now until such time as the City Council may adopt some law to the contrary, if they ever see fit to do so.

Mr. WHITENER. If they saw fit to do so, then they would take away from the District judges who have now jurisdiction over felonies and over civil cases involving more than $10,000, their jurisdiction completely.

Mr. MULTER. How do we know what the City Council will do, and what effect and what form that law will have, until

they introduce it? There is no indication they will make any change.

Mr. WHITENER. Does it not follow that if we are going to give consideration to the provisions of article I, section 8 of the Constitution, we have a bounden duty to know what is happening to the courts?

Mr. MULTER. We are bound to know that as it may happen. We do not have to project our minds forward to try to imagine some law that has not even as yet been written. We retain jurisdiction to change anything that the City Council may hereafter attempt to provide.

Mr. WHITENER. Would the gentleman tell us what would happen to the District of Columbia water system which, as I understand it, is owned by the Corps of Army Engineers, and operated by them, if either of your five, six, or whatever the number of bills you have introduced, is passed?

Mr. MULTER. Let us try to address ourselves to the substitute that we hope will be passed. H.R. 4644 was introduced here as the administration bill. S. 1118 was introduced in the other body as the administration bill. S. 1118 as passed by the other body was the administration bill with amendments. We seek to further amend that basic administration bill by the bill which we will offer as a substitute for H.R. 4644. None of those bills will in any way whatsoever interfere or take away from the Congress its right to legislate on any subject it pleases with respect to the District of Columbia.

Mr. WHITENER. Would the gentleman answer this question if he can: How much of a fund would we be required to use to cover the possible tax rate increases under your City Council and Mayor, on the Capitol Building and other buildings and grounds in the Capitol complex, which is valued at $58 million and $157 million, respectively?

Mr. MULTER. The District of Columbia will not appropriate or spend a 5-cent piece on any building which is owned and controlled by the U.S. Government, by the Federal Government. They will have no jurisdiction over the Capitol, the White House, or any other Federal building which is used in the national interest by the Nation.

They will have jurisdiction only over those buildings that belong to the District government.

Mr. WHITENER. The gentleman certainly is not trying to leave the impression that they have not already agreed on an evaluation of $58,092,680 on the Capitol and $157,381,447 on the other Capitol buildings and grounds and the present tax rate is $2.70 per $100 on property in Washington.

Mr. MULTER. Let us not confuse the issue. An assessed valuation is not a tax, but it is the basis on which you may tax. An evaluation is not a tax. An appraisal is not a tax. Let us not try to create the illusion that under the substitute bill, which is identical with H.R. 11218, for the bill that is before you, that there is going to be any tax of any kind imposed upon the U.S. Government by the District government.

Mr. WHITENER. I had hoped the gentleman would at least have used a shotgun since I did not expect him to use a rifle in getting at any of these matters. But I wonder, did the gentleman lose faith in this proposed city government when he came up with the so-called compromise about the Police Department?

Mr. MULTER. Let us look the political facts of life in the face.

Mr. WHITENER. What are those political facts of life?

Mr. MULTER. The facts are very simple. Everybody knows that we could not pass a bill providing for an automatic payment and that we did not have enough votes to pass the bill with an automatic payment.

That is what I would prefer to see and that is what my colleagues on both sides of the aisle who have worked on the bill would want to see. We do not have the votes for that and therefore have eliminated it from the bill.

Mr. WHITENER. I asked the gentleman about the police department. The fact that in this so-called compromise there were four proponents apparently who met in a room to make up this compromise and that they came up with an expression of no confidence in the proposed city government to supervise the police department.

Mr. MULTER. That is not so at all. Obviously I misunderstood your questions. In the first place we did not need any closed room to meet in. We met in the open. We invited anybody who had any ideas to contribute to come and contribute them. Everything we did was publicized. We talked to everybody who listened to us and we listened to everybody who talked to us.

There was no lack of confidence in the police department by the amendment we have offered in this substitute.

The following is the analyses of all of the home rule bills prepared under the direction of the chairman of the House District Committee. It was sent by him to every Member of the House. It appears as a part of the printed hearings. It plainly shows the changes made by the Senate when that body passed 1118. All of the bills are set forth verbatim in the House committee hearings:

HOME RULE BILLS, 89TH CONGRESS (HOUSE DISTRICT COMMITTEE)

I. APPOINTED GOVERNOR AND SECRETARY

Elected Assembly—Nonvoting Delegate to House

H.R. 628 (MULTER).
H.R. 630 (MULTER).

These identical bills provide for appointment of a Governor and a Secretary by the President, with the advice and consent of the Senate, and election of a Legislative Assembly to replace the Board of Commissioners. Said Assembly is to be composed of 15 elected members, 3 from each one of 5 wards. The number of members of the Assembly may be changed by act of the Assembly approved by a majority of the qualified voters. All elections are to be nonpartisan elections.

Provision is included for a Presidential veto of measures adopted by the Legislative Assembly which the Governor has disapproved as adversely affecting a Federal interest. Congress retains the right to legislate for the District, including the right to modify and repeal acts adopted by the Legislative Assembly. Election of a nonvoting Delegate to the House of Representatives is also authorized.

No formula for a Federal payment to the District is included, but the bills state it is intended that the Federal Government will annually pay an equitable share of the expenses of the District government.

II. APPOINTED GOVERNOR AND SECRETARY

Elected assembly—Minority party representation—Nonvoting Delegate to House

H.R. 5800 (MATHIAS).
H.R. 5801 (CAHILL).
H.R. 5802 (CLEVELAND).
H.R. 5803 (CONTE).
H.R. 5804 (DWYER).
H.R. 5805 (ELLSWORTH).
H.R. 5806 (FRELINGHUYSEN).
H.R. 5807 (HALPERN).
H.R. 5808 (HORTON).
H.R. 5809 (LINDSAY).
H.R. 5810 (MORSE).
H.R. 5811 (REID).
H.R. 5812 (STAFFORD).
H.R. 5813 (TUPPER).

These identical bills are similar to H.R. 628 and H.R. 630 as outlined above, but they differ from these two bills in the following respects:

They provide for an elected legislative assembly of 25 members, 5 from each of the 5 wards, but they do not provide for change in total membership of the assembly.

All elections are to be partisan elections; the bills provide for minority party representation, and no more than four members elected from any ward could be members of the same political party.

The District budget would be adopted by the assembly after its submission to the Director of the U.S. Bureau of the Budget for approval.

No provision is made for Federal payment formula, but included in the bills is the statement that it is intended that the Federal Government will annually pay an equitable share of the expenses of the District government.

III. ELECTED MAYOR AND COUNCIL

Nonvoting delegate to House—Federal payment formula

H.R. 4644 (MULTER).
H.R. 8090 (BELL).
S. 1118 (BIBLE).

These bills provide for an elected mayor to serve a 4-year term of office. He is given administrative and executive powers and duties, including the power to disapprove acts of the Council of the District of Columbia which the bill establishes. The Council consists of 15 members, one from each of 15 wards who are to be elected at large, each member being elected to a 2-year term of office. The Council is given local legislative power including taxing and borrowing powers within specified limits.

Legislative review and control of the local government is proposed to be retained by the Congress and the President. Congress is to have the right to repeal, amend, or initiate local legislation. However, enactments by the home rule legislature, approved by the President, could result in law which might not receive a majority vote in either House of Congress.

The mandate to the Congress in the Constitution would be limited to the expression of one-third plus one of the Members of either House of Congress plus a presidential veto. Thus, while a one-third plus one vote of the members of either body of the Congress, with presidential approval cannot enact laws, the wishes of the majority of Congress could be avoided through the actions of the home rule legislature, with presidential approval.

The President is empowered to review acts passed by the Council and to disapprove any act which he finds may adversely affect the Federal interest.

The bills further authorize the election of a Delegate to a 2-year term to represent the District in the House of Representatives. The District Delegate is given the right to participate in House debate but it is not given the power to vote.

The bills provide for an annual payment out of the U.S. Treasury to the general fund of the District, to be based on a specific formula, the elements of which substantially reflect the taxes which District officials estimate should be paid to the District as a result of the presence of the Federal Government within the District. Under the formula, District officials would establish the assessed valuation of Federal property and determine the tax rate on all real estate. The elements of the formula are: (1) Real estate taxes based on federally owned and used property, excluding such lands as parks and monuments; (2) taxes on other real property exempted from taxation by special provision of Congress; (3) personal property taxes based on federally owned tangible property, excluding objects of art, museum pieces, statuary, and libraries; and (4) business income and related taxes based on the number of Federal employees whose places of employment are within the District. The Mayor and the Council, through the General Services Administration, would submit an annual request for Federal payment (based upon District of Columbia officials' assessments of Federal properties and their determinations of the total payment due by the formula) to the Secretary of the Treasury, who would make payment to the District out of the U.S. Treasury. The payment would be automatic, without any action by the Congress or by its appropriation committees.

These bills also authorize the District to borrow money by the issuance of bonds. They place a limitation on debt, including debt to the United States, fixed at not more than 12 percent of the average assessed value of the real and tangible personal property (including Federal) in the District as of the first day of July of the 10 most recent fiscal years. Included are requirements that, with certain exceptions, bond issues be approved by the voters.

These bills abolish a number of agencies, including the Board of Education, the Zoning Commission, the Public Service Commission, Recreation Board, and Board of Zoning Adjustment, and transfers their functions to the Council.

The bills exempt Government employees residing in Washington from the provisions of the Hatch Act, thus authorizing them to participate in partisan elections in the District of Columbia.

S. 1118 (originally identical to H.R. 4644 and H.R. 8090, above), as passed by the Senate, differs from these bills as follows:

Under S. 1118, the council would consist of 19 members elected for 4-year terms, 1 from each of 14 wards and 5 elected at large. Of the five councilmen-at-large, no more than three may be members of the same political party.

S. 1118 provides for a school board consisting of 14 members elected for 4-year terms on a nonpartisan basis. The House bills abolish the Board of Education.

S. 1118 permits recall of "any elected officer," whereas the House bills permit recall of the mayor only.

S. 1118 contains provisions for initiative under which the voters of the District would have power, independent of the mayor and the council, to propose and enact legislation. Any act resulting from the exercise of the initiative is subject to disapproval by the President in the same manner as an act passed by the council. The House bills do not provide for initiative.

With respect to the Federal payment, S. 1118 provides that the Administrator of General Services shall certify that the amount computed under the formula and requested for payment is "based upon a reasonable and fair assessment of real and personal property of the United States and a proper and accurate computation of the factors" which enter into the computation. The House bill does not so provide.

Also elected school board

H.R. 629 (MULTER).

This bill has many similarities to H.R. 4644 and H.R. 8090, above, but also provides for an elected school board.

The bill provides for an elected mayor, a District Council composed of 9 members elected at large with 3 from each of 3 wards (instead of 15 members as in H.R. 4644 and H.R. 8090), a nonvoting Delegate to the House, and a school board composed of 9 members elected at large with 3 from each of 3 wards.

This bill does not contain any provision for a Presidential veto of acts of the District Council, although it does retain in the Congress the authority to amend or repeal acts of the District Council and to legislate for the District. Neither does it contain any provision for a Federal payment, but the bill states it is intended that the Federal Government annually pay an equitable share of the expenses of the District government.

Referendum

H.R. 640 (MULTER).

H.R. 640 is identical to H.R. 4644 and H.R. 8090, outlined above.

In addition, however, H.R. 640 provides for referendum giving qualified voters of the District the right to approve or reject any act of the District Council.

Referendum may be had if, within 45 days after such act has been enacted, a petition is signed by at least 10 percent of the qualified voters who voted in the last preceding general election.

If a majority of the qualified voters voting thereon do not approve the act, it shall be deemed to be repealed.

IV. SELF-GOVERNMENT REFERENDUM

Elected charter board—Charter referendum—Municipal government

H.R. 10115. (SISK).

This bill provides for a referendum, not later than 100 days after enactment, to determine if the residents of the District of Columbia want self-government.

If a majority of qualified voters approves the referendum, a District of Columbia Charter Board would be set up, consisting of 15 persons, nominated by a petition of at least 300 voters and elected at large in a nonpartisan election.

The charter board is empowered within 7 months of election to prepare a District of Columbia Charter establishing a municipal government for the District of Columbia, which would then be submitted to the voters for approval or disapproval. If approved, it would be transmitted to Congress and would take effect within 90 days thereafter, unless meanwhile it had been disapproved by either House; or if both Houses approved, it would take effect thereupon.

Complete legislative power over the District would be provided by such charter within the scope of the power of Congress acting as a legislature for the District, and consistent with the constitutional requirement that Congress retains ultimate legislative authority over the Nation's Capital.

Reservation is also provided for the Congress at any time to amend the charter, or for the people of the District to do so by referendum unless disapproved by Congress.

Provision is included for veto by the President of any legislation enacted by the municipal government.

The bill does not contain any provision for a Federal payment to the District.

V. DELEGATE TO HOUSE

H.R. 2622 (MATHIAS).

H.R. 4765 (DIGGS).

These similar bills authorize the election of a delegate from the District to the House.

Said delegate shall be elected from candidates chosen from primary elections.

The delegate is given the right to debate but not the right to vote.

H.R. 2622, in addition, contains provision for a special election of a delegate to serve during the remainder of the 89th Congress, in a general election, after primaries to be no later than November 16, 1965.

VI. ELECTED INDEPENDENT SCHOOL BOARD

H.R. 5719 (BROYHILL of Virginia).

H.R. 5720 (NELSEN).

H.R. 6008 (HORTON).

These identical bills would create a 10-member independent School Board for the District of Columbia, subject to acceptance of the legislation by District voters at a charter referendum. The members of the School Board would be elected for 2-year terms.

The bills abolish the present Board of Education, and transfer to the School Board all functions of the present Board of Education, together with property, records, and funds relating to such functions.

The School Board is denominated as an independent agency of the government of the District with authority to contract, and to sue and be sued in its own name and capacity.

The School Board would be authorized to cause real estate, sales, and personal income taxes to be levied and to issue bonds to raise revenues which it could expend for the District School System. However, the Board may not issue bonds or transfer funds from its capital construction account unless the electors have approved same in a referendum.

In addition, the School Board would be given authority to assess the value of real property located in the District, take private property for public use, and initiate a referendum on any subject on which it is empowered to act.

VII. RETROCEDE PART OF DISTRICT OF COLUMBIA TO MARYLAND

H.R. 10264 (BROYHILL of Virginia).

This bill authorizes the retrocession of that part of the District which was ceded to the United States by the State of Maryland, excluding that area bounded roughly by Rock Creek Park, Florida Avenue, 15th Street NE., C Street NE., and the Anacostia and Potomac Rivers.

It provides that the United States shall retain jurisdiction over the real and personal property held by it within the portions of the District retroceded to the State of Maryland.

It further provides that from the date of such retrocession, the State of Maryland shall be entitled to one additional Representative in the Congress, until the next reapportionment of the State shall become effective. Unless the State otherwise provides, such additional Representative shall be elected from the Federal area retroceded by this bill to Maryland.

VIII. THREE CIVILIAN COMMISSIONERS

House Joint Resolution 117 (HOLLAND).

This resolution amends existing law by eliminating the requirement that one of the three members of the Board of Commissioners of the District of Columbia be an officer of the Corps of Engineers of the U.S. Army.

The resolution provides that the Board of Commissioners shall consist of "three persons from civil life, one of whom shall be a qualified engineer."

A detailed summary of S. 1118 as passed by the other body is as follows:

DETAILED SUMMARY OF S. 1118—SENATE VERSION OF DISTRICT HOME RULE BILL

S. 1118 provides for the District of Columbia an elected Mayor, City Council, Board of Education, and a nonvoting Delegate to the House of Representatives.

A. DISTRICT MEMBERSHIP

1. Creation and membership:

(a) Council shall consist of 19 members, 1 elected from each of 14 wards and 5 elected at large.

(b) Qualifications—Person must have resided in District for 3 years, resided in ward for 1 year if he is to be qualified.

(1) Cannot hold any other position while he is serving.

(c) Each member shall receive $9,000 salary, Chairman shall receive $10,000.

2. Functions of District Council:

(a) Board of Commissioners, Office of Commissioner, Engineer Commissioner, Assistants to Engineer Commissioner are abolished.

(b) Powers of Board of Commissioners transferred to District Council—except those powers relating to Mayor.

(c) Board of Education continues under new District Council.

(d) Zoning commissions abolished.

(e) Armory Board, three men, to be appointed by Mayor.

(f) District of Columbia Redevelopment Land Agency's powers transferred to municipal District of Columbia government.

(1) Voluntary positions to be the rule on Redevelopment Agency—members appointed by Mayor.

(g) Public Service Commission, Recreation Board, Board of Zoning Adjustment, and Zoning Advisory Council are abolished—powers transferred to District Council.

3. Limitations of District Council:

(a) No greater powers than presently held by Commissioners are vested in District Council over Commission on Mental Health, National Zoological Park, National Guard of District of Columbia, of the Washington aqueduct.

(b) Council may not tax any property of U.S. Government.

(c) May not lend the public credit for support of any private undertaking.

(d) May not use public money to support sectarian, denominational, or private schools.

(e) May not amend or repeal any act of Congress which concerns functions or property of United States which is not restricted in its use exclusively to the District.

(f) Council may not restrict or end powers of National Capital Planning Commission except as they encompass Engineering Commissioner or Board of Commissioners.

(g) Every act passed by the District Council shall include preamble or be accompanied by a report.

(h) Act passed by Council shall be presented by Chairman of Council to the Mayor, who shall take action on measure within 10 days of its presentation to him.

(i) If Mayor approves act, he shall present it to the President.

(j) If Mayor doesn't approve act, he shall present it back to the Council within 10 days or it will be deemed approved.

(k) If Council reapproves act by a two-thirds vote within a 30-day period, measure passes by Mayor and goes to President.

(l) Congress reserves right to enact legislation for the District of Columbia; Congress may also repeal any law in force in the District prior to or after the enactment of the Home Rule Act.

(m) Powers of U.S. Attorney for the District are left untouched by this act.

(n) District Council shall have the powers of organization and composition of the municipal courts of the District of Columbia and the appointment of municipal court judges.

(o) Nothing can be done to change the composition or organization of the U.S. District Court of the District of Columbia—only municipal courts can be changed.

(p) Council allowed to pass legislation concerning District of Columbia Court of Appeals—District of Columbia Appeals Court may be given powers to review decisions and orders to administrative agencies in connection with licensing and registrations.

B. ORGANIZATION AND PROCEDURES OF THE DISTRICT COUNCIL

1. The Chairman and Vice Chairman:

(a) Chairman presides over meeting of District Council.

(b) Chairman acts instead of Mayor when Mayor is absent or unable to act.

(c) Chairman serves as long as his term on the District Council.

(d) Vice chairman takes over in the absence of the chairman.

(e) Secretary of District Council—record-keeping and recording of votes on legislation—secretary and clerical assistants appointed by council.

3. Meetings of council; first meeting called by member who received highest vote in first election—he shall preside until a regular chairman is chosen.

(a) Following election of chairman, secretary sets date of next session of council.

(b) Council holds at least one regular meeting a week—during July and August holds at least two regular meetings a week. Special meetings may be called by chairman, members of council or by mayor.

4. Committees: Chairman determines, with advice and consent from members of council, what are the standing and the select committees.

5. Procedures for zoning acts:

(a) Council must first deposit zoning acts in introduced form, to National Capital Planning Commission. Commission must submit its comment to council on bill within 30 days, including advice as to whether the proposed legislation is in accordance with the comprehensive plan for the District of Columbia.

(b) After comments are received by council from National Capital Planning Commission, public hearings are then held on the act (acts) which are passed and deposited with Capital Planning Commission.

(c) Council has the powers of investigating affairs of the District committees or full council may carry on investigations into handling of finances, etc.

C. MAYOR

1. Person elected to mayorship can hold no other appointed office at time of his election—must have resided in District for 3 years.

2. Powers and duties:

(a) Executive power of District invested in mayor.

(b) Mayor shall designate officer or officers of the executive department of the District who, during periods of absence of the mayor, the chairman, or the vice chairman from the city administration, shall execute and perform the duties of mayor.

(c) Acts as head of District for ceremonial purposes and is official spokesman for the District.

(d) Mayor shall administer laws relating to the appointment, promotion, etc. of all personnel employed in the office of mayor and of personnel in the executive departments of the city administration.

(e) Mayor administers personnel functions covering employees of all District departments, boards, commissions, agencies, etc.

(f) Through heads of administrative boards, offices, and agencies, shall supervise and direct such boards, offices, and agencies.

(g) Prepares, at the end of each fiscal year, reports on (1) finances, (2) administrative activities of the executive office of mayor and the executive departments of the District.

(h) Keep council advised of financial condition and future needs of the District and make such recommendations to the council as seem to him desirable.

(i) May submit drafts of acts to the council.

(j) Performs other duties as the council may vote to let him direct.

(k) Mayor may delegate some of his functions, if he so desires, except for function of approving or disapproving acts of council and for contracts between the District and the Federal Government, to any officer, employee, or agency of the executive department who may, upon approval of mayor, make further delegations of power.

(l) City administrator shall be appointed by mayor and may be removed by mayor who shall be chief managerial aid to mayor.

(m) Mayor or council may propose to Congress or to the executive branch legislation or other action not falling within authority of District government as defined by act.

(n) Mayor may issue administrative orders to carry out or enforce acts of city council.

D. DISTRICT BUDGET

1. Mayor must prepare and submit, not later than April 1, annual budget estimates to District council.

2. Mayor shall work with council to achieve (1) consistency of accounting and budget classifications, (2) synchronization between accounting and budgeting and organizational structure, (3) information on programs included in budget.

3. Council must adopt a budget not later than May 15.

4. Five-year Capitol program: (a) Capital program shall include (1) list of all capital improvements proposed to be undertaken in next 5 fiscal years, with information as to the necessity of these improvements, (2) cost estimates, methods of financing, time schedules for each improvement, (3) estimated annual cost of operating and maintaining facilities to be constructed and/or equipped actual capital expenditures shall be carried out each year as capital outlay section of current budget.

5. Council may adopt acts to give supplemental appropriations for any of capital projects budgeted in annual budget.

E. BORROWING

1. District may incur indebtedness of District at any time outstanding and to pay cost of constructing or acquiring any capital projects requiring expenditures greater than amount of taxes or other revenues.

2. No bonds can be issued which exceed 12 percent of assessed value of taxable real and tangible personal property located in the District and real and tangible property excluding certain Federal Government facilities located in the District.

(a) Bonds can be either long-term used to finance highway construction, mass transit, water and sanitary sewage projects, etc. Bonds for projects determined by Council to be self-liquidating cannot exceed 6 percent.

(b) Bonds proposed and approved by Council and mayor must be subjected to referendum of qualified voters (determined by Board of Elections). Boards of elections shall determine polling places, election ward supervisors, etc., for referendum and for regular elections.

3. Short-term borrowing: (a) Council may act to issue short-term bonds not to exceed 5 percent of total appropriations for the current fiscal year—each of which would have been designed as supplemental (i.e. supplemental appropriations tacked on to the budgetary requests).

4. Surety bonds: (a) Each officer and employee of district required to do so by Council shall provide a bond with such surety

and in such amount as the Council may require.

5. Financial duties of the mayor: (a) Mayor shall be in charge of financial affairs of the District, has power to:

(1) Prepare and submit annual budget estimates and and budget message.

(2) Supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations aren't exceeded.

(3) Maintain systems of accounting and internal control of financial information and financial assets and debits.

(4) Submit monthly financial statement to the District Council.

(5) Supervise and be responsible for assessment of all property within District capable of taxation.

(6) Assess and collect taxes.

F. ELECTIONS IN THE DISTRICT

1. District divided into 14 wards.

2. Terms of office:

(a) Members of District Council serve for 4 years beginning on odd-numbered calendar years following such election.

(b) Term of Mayor is 4 years beginning on odd-numbered year following his election.

(c) Terms of members of Board of Education are for 4 years beginning on odd-numbered years following their election; however, of those first elected shall serve 2 year terms.

(d) Term of office of District Delegate is for 2 years beginning on odd-numbered year following his election.

(e) Board of Education has 14 members when 14 are elected, lots are drawn to determine which 7 will serve 2-year terms.

(f) Mayor appoints Delegate to Congress when vacancy occurs in that office, with advice and consent of Council.

(g) When vacancy in Mayorship occurs, special is called (candidates may be nominated beforehand) to fill vacancy. Until election can be held, appointment is made by District Council to serve as temporary Mayor.

(h) Mayor can appoint person to fill vacancy in Council when such a vacancy arises with at-large seats. Mayor must appoint person of same political party as that of person who vacated office.

(i) Vacancy in Board of Education filled by Mayor, without regard for political affiliation. Board of Education elections are nonpartisan.

3. Board of Elections to be established to supervise elections—each member paid salary of $1,500.

G. INTERGOVERNMENTAL COOPERATION

1. District offices or officers are allowed to furnish services to the Federal Government and Federal agencies or officers may provide services for the District. This prevents duplication of functions and services by the Federal and District governments.

2. In financing, the Treasury Department will assess a certain percentage from Federal property deemed "taxable" and pay that appropriate tax annually to the District.

H. INITIATIVE

1. Qualified voters of District have the right to propose and enact legislation, independent of the Mayor or District Council.

Mr. Speaker, a concise statement of the changes sought to be made by H.R. 11218 which will be offered as a substitute to the Senate-passed version of H.R. 4644 are as follows:

1. The bill provides for annual congressional appropriation of the Federal payment to the District, eliminating the so-called automatic payment provisions, while retaining the basic formula to determine the amount of the payment.

2. The bill meets objections raised to possible encroachment on Hatch Act protections or undue partisanship in District of Columbia elections by providing for a 4-year term for Mayor and District Council members, to be held in the even-numbered (nonpresidential) election years.

3. The bill eliminates the provision for age 18 voting (raising it to age 21) and requires a 1-year District residence for voting (instead of 6 months).

4. The bill gives the President authority to use Federal troops or to take over the local police force when he deems it necessary to protect the Federal interest or to preserve order.

A more detailed explanation of those changes appear in the CONGRESSIONAL RECORD of September 23, 1965, at pages 25013 and 25014.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. McMILLAN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. LAIRD].

Mr. LAIRD. Mr. Chairman, I would like to direct a question to the gentleman from New York. Several so-called home rule bills have been before us in the last few weeks. All quite different except for the one exception that they all provide for partisan elections for mayor and city council. The gentleman from New York knows my position regarding partisan elections for these offices. First we had the Senate bill, then the bill under a discharge petition, now a completely new substitute for consideration today and word is now out that we will have another substitute unveiled tomorrow.

Is there another new substitute to be unveiled tomorrow here in the House?

Mr. MULTER. I know nothing about that.

Mr. LAIRD. Who drafted this third bill and will the gentleman tell the Committee who is going to draft and unveil the new bill tomorrow?

Mr. MULTER. I know nothing about that.

Mr. LAIRD. I understood the gentleman from New York might unveil another substitute tomorrow.

Mr. MULTER. The gentleman in the well?

Mr. LAIRD. Yes.

Mr. MULTER. Well somebody has dreamed up something that I have not even begun to think about.

Mr. LAIRD. Does the gentleman have another substitute providing for nonpartisan elections?

Mr. MULTER. Certainly not.

Mr. LAIRD. This is the last?

Mr. MULTER. This is the only one that I know about that is going to be offered.

Mr. LAIRD. That clears up the matter so far as I am concerned, and I thank the gentleman.

Mr. MULTER. Mr. Chairman, I yield myself 1 minute.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I will yield myself 1 minute in order to yield to the gentleman.

Mr. HAYS. I want to ask the gentleman about this statement of Mr. Schuyler Lowe that the first piece of legislation that the new council will be called upon to pass will be a payroll tax on all of the Federal employees who live in Virginia and Maryland and presumably on the 435 of us who live in the other 50 States.

Mr. MULTER. I know nothing about it. I do no think that is going to happen. I think this is some more of the illusions that are being created in an effort to defeat this bill.

Mr. HAYS. Could it happen?

Mr. MULTER. Of course it could. But if it did we would not stand for it for 1 minute, and you know that. If any such attempt as that was made by the city council the Congress would override it immediately, assuming that the President did not veto it first.

Mr. HAYS. I would not stand for it—I do not know whether the gentleman would or not.

Mr. MULTER. I am telling you that I would not stand for it either, nor would any other Member of either body of the Congress.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. MULTER. I yield to the gentleman.

Mr. WHITENER. In the conference in connection with the rapid transit legislation, one of the principal thrusts of some of the District officials was that we impose such a tax in order to finance the rapid transit system. I know that the gentleman from Ohio is on solid ground.

Mr. MULTER. Will the gentleman support that kind of bill?

Mr. WHITENER. I told them at that time I would not even introduce a bill with that in.

Mr. MULTER. I am sure that neither will any other Member of this House do so.

Mr. McMILLAN. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. SMITH].

Mr. SMITH of Virginia. Mr. Chairman, lately we have been legislating by slogan. If you have a pretty slogan, you can elect someone to office or you can pass a bill.

We have a very pretty slogan this afternoon in connection with the pending legislation. The slogan is, "Home rule."

Mr. Chairman, I propound a question: Whose hometown is this? Does it belong to the casual residents who are here now and who will be gone tomorrow, or does it belong, under the Constitution, to all the people of the United States?

Washington, D.C., is one place where every citizen of the United States can come and feel that he is at home in this city. This is his home. What is being undertaken today is an attempt to fritter away, by the persuasiveness of a pretty slogan, the rights of all the people of the United States who by the way, are represented by you Members who are voting for this monstrosity in the Congress of the United States.

I had hoped that the author of the bill—I mean the gentleman who introduced the bill, for I do not know who was the author of it—in making his opening speech would discuss the bill itself. We have 5 hours of debate before us. I hope that the Members will remain, listen, and get themselves informed, because I know a lot of people signed that petition

who did not know what was in the bill, and you ought to know what is in the bill before you give away the public home of all of your constituents in the United States.

Others will talk about other aspects of the bill, but I am going to talk about the so-called formula, the fiscal provisions in the bill. And I am not going to talk about some new fancy formula that may have been dreamed up because they were afraid they could not get this measure through. I am going to talk about the bill that is before the House, the bill that you have been solemnly requested to pass, and as to which you were begged to sign a petition to take it away from the legislative committee that at that time was holding hearings on the subject.

What is the formula in this bill for raising taxes? I know that what I shall state will sound extraordinary, but some people will say, "That is not right. That is not true. That is not correct." I am going to ask you to look at the bill itself if you have any questions about what I am going to say to you relative to the tax—and I call it a tax because it is a tax—that the city council and the mayor of the city of Washington would be authorized under the bill to impose upon all the property, with minor exceptions such as statues, and so forth, of the U.S. Government, the property that belongs to your constituents. That tax will be based upon the tax rate fixed by the city of Washington, which tax rate is today $2.70 per hundred in value.

Tomorrow it will be what the city council chooses to fix.

How will they determine what is the value of this Capitol? There is not anything in this bill that excepts the Capitol of the United States.

I will have to take time to read that to you, because the gentleman who preceded me said it would not tax the Capitol. This is what it says that they are going to tax:

> The amount of real property taxes lost to the District during the fiscal year immediately preceding the fiscal year for which the annual Federal payment is being requested, based upon the assessed value and rate of tax in effect on January 1 of said preceding year, as a result of the exemption from real property taxation of the following properties:

Here is what they are going to tax:

> Real property in the District owned and used by the United States for the purpose of providing Federal governmental services—

I thought this Capitol was supposed to provide governmental services. Perhaps I am mistaken about it. I have had cause to doubt that in recent years. Perhaps my friends are correct, and we are not supposed to furnish Government services.

I did not read all of this:

> or performing Federal governmental functions.

If we are not performing a Federal governmental function here today, what are we doing here? This is the Capitol of the United States.

Let us not play on words. I had hoped that the gentleman would explain this formula, because it is the one thing they insist they have to have to survive; the right to tax the Government of the United States at the tax rate which they shall fix, and without approval by the Congress of the amount.

I want to see somebody get up here and make a logical argument disputing the fact that they are going to tax the Capitol.

They are going to tax the White House. They are going to tax the chairs you gentlemen sit in today, because the next provision in this bill is that they will tax all personal property owned by the Federal Government. That includes the automobiles.

The Speaker has an automobile assigned to him, but it belongs to the Government, so the Speaker's automobile is going to be taxed.

The majority leader enjoys a nice automobile, but it belongs to the Government and does not belong to the majority leader. His automobile is going to be taxed.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. They will not have to pay the tax, but the Federal Government will pay the tax on the automobiles, will it not?

Mr. SMITH of Virginia. Yes.

I do not want to slight the minority leader. He has a nice automobile and a chauffeur, and his automobile is going to be taxed, because it belongs to the U.S. Government and is situated in Washington.

Let somebody get up here and dispute that statement.

Do you know what they are going to do? There is another clause here. I wish I had an hour to explain some of the things in this bill.

You know, the city of Washington has a 5-percent tax on what we call corporations and unincorporated businesses. That is all the private businesses in Washington. They employ a great many people, of course. But they pay a tax on their net profit. They could not figure that out so as to make the Government pay a tax on its net profit, because it has not had any net profit since I have been around here, for 35 years. That would not do.

Do you know what they did? They worked out a formula. When they cannot find anything else to do they work out a formula. There are more formulas here than a dog has fleas, floating all around town. Nobody knows what they mean until they get downtown, and they put some kind of construction on them.

What kind of formula is it? They add up all the people who work for private industry; let us say 200,000. Then they add up all the people who work for—not live here, but work for—the Government in Washington. Let us say, for instance, that is 400,000.

Then they figure that if there are 200,000 people in private industry and the tax on profits comes to $100 million, then the tax on the Government comes to $200 million, because they have 400,000 people. Can you follow that? Can you believe it? I do not think you believe it. Well, read the book. There it is. It is on page 50.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. SMITH of Virginia. I want to get this in the RECORD so that nobody can say they did not have a chance to know what I was talking about. Just read page 50—annual Federal payment to the District—and the 2 or 3 pages following that tell you the things I have been telling you. Read it. Do you not have enough interest in this to know what you are doing? Have you? I notice a great number on the other side, our conservative Republican Party, voted for this monstrosity this morning and an almost equal number signed to discharge this regular committee in order to bring it up. Read this stuff, will you please? You are not going to vote for this if you know what you are voting for.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I want to point out what the gentleman is referring to appears on page 57 of the so-called substitute bill.

Mr. SMITH of Virginia. I am not talking about the substitute bill. I am talking about the bill that is before us. There may not ever be any substitute bill and I do not want to discuss it.

Mr. ROGERS of Colorado. It is not only in the substitute bill but it is in H.R. 4644 and in the Senate bill. The language you have been talking about is in all of these bills and particularly the formula that you refer to as it relates to a fraction arrived at in determining how many people work for the Federal Government within the District of Columbia.

Mr. SMITH of Virginia. It is all in the bill if the gentlemen will just take the time to read it. I am sorry that I cannot yield any further, and the reason is I have only 2 or 3 minutes and I just cannot explain it in that time. There is the question of bonding Washington, your home city and the home city of all the American people. Do you know what they can do? All right. This bill gives them the authority to issue bonds. They can issue bonds under this bill up to 12 percent of the appraised value of the property. Private property. Yes. How about Uncle Sam's property? Oh, yes. That has already been appraised. They have a book here with the appraisal in it. I think it comes to something over a billion and a half, but that is not as much as it ought to be. Yes. Your people's property is going to be included in the amount of bonds that this city council can issue. That is the fact and here it is in the book. How are they going to arrive at what this appraisal is going to be? And how about this tax rate? What is the tax rate going to be? Sensible people are sitting here voting to bring this monstrosity, this crazy, unprecedented proposal to the floor. The nerve of anybody to draw up such a bill. My good friend from New York, I know,

never wrote this bill, and I will yield to him to affirm that he did if he wants to or that he did not if he wants to. If he does, I am going to ask him who did write the bill. That is the great mystery of it. Who did it and who wrote it?

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I will have to.

Mr. MULTER. This is the product of many hands and many minds. I participated in the writing of a home rule bill that had many of these same provisions here and throughout the years we tried to improve on it. It is the work of the gentleman from New York [Mr. HORTON], the gentleman from Maryland [Mr. MATHIAS], the gentleman from Maryland [Mr. SICKLES]——

Mr. SMITH of Virginia. None of them has been here for many years.

Mr. MULTER. And dozens of others. We have all participated in trying to write a bill that would be acceptable to a great majority of the House. Legislative counsel, to whom we pay good salaries to do such work, have also been very helpful.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. DON H. CLAUSEN. Mr. Chairman, the distinguished gentleman from Virginia has made a point about the impact on the District of Columbia if this formula goes into effect. Personally I am a bit concerned about some of the property that I have in my own congressional district; namely, a national park and some of the other Federal buildings. I wonder if the gentleman could touch on that.

Mr. SMITH of Virginia. I was coming to that next, and I shall discuss it if I have the time. What is going to happen to your districts? Are not your people going to get up and say, "Look at this big post office building down here. Why can we not tax that? You fellows have taxed Government property in the District. Why are we not going to tax Government property here?"

That question has already been stirred up. It has happened in my own congressional district and right around Washington in Mr. BROYHILL's congressional district where there are millions upon millions of dollars of property owned by the Federal Government—buildings and furniture, if you please, and automobiles. What is the gentleman from Virginia [Mr. BROYHILL] going to say when his people say to him, "Congress passed a bill taxing all the property of the Government in Washington. We want you to get up and get ours; get the property taxed in Arlington."

And that is not an idle dream. Someone sent me a clippiing, and it mentioned Congresman SICKLES' district in Maryland and also Mr. MATHIAS' district. They are both mentioned in here and both are supporting this bill. This article calls attention to the fact that they are about to put a tax on Government property in the District of Columbia. And they say in this article, in effect, "Now, boys, where is our piece of pie?" They are telling them that they have got to get up and get this property appraised out here—these post offices and these great Government installations in that area.

Now, you may think this is an easy thing to do, to pass this bill. I know there has been a lot of arm-wringing around here to get this petition signed. I know that it was painful. And I know that there is going to be a lot more arm-wringing on the other arm before you pass this bill. And I know that that is going to be painful. But how painful is it going to be when you get back home any they say, "Well, where is our share of taxes on Government property here in our district?" That might be real painful. That might be so painful that some faces that smile here today will not be smiling here when the next Congress convenes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield.

Mr. WHITENER. The gentleman from Virginia in his very fine statement referred to a figure of $157 million. But according to the summary of federally owned property reviewed for Federal payment which appears in the appendix of the staff study, this figure is $1,611 million.

Mr. SMITH of Virginia. That was a slip of the tongue. The $157 million was for this building. The other figure is $1,600 million and more.

Mr. WHITENER. For this building, the Capitol building itself, it is $58,092,-680; and for the other Capitol buildings and grounds there is a further amount of $157,381,447.

Mr. SMITH of Virginia. And Lord knows what the furniture is going to be. Look at these sumptuous easy chairs that they sit in out here in the Cloak Room. Some folks spend time out there that they might better spend listening to what is going on here. How much are those big leather chairs going to be appraised for when the Washington City government agents come up here? What about that sumptuous furniture they have over in the Rayburn Building, and all that kitchen equipment and various and sundry do-dads, and so forth?

What is that going to be appraised at when the Washington appraisers get turned loose on you?

Mr. Chairman, there is just one other thing I want to say to you, because my friend, the gentleman from Colorado [Mr. ROGERS], raised the question about the compromise bill. Well, there is not any compromise bill. That is another effort dreamed up to get away from these objections, but they do not do it.

Mr. Chairman, I want to say to you that there is a gentleman downtown named "Rauh" or "Rowe" who is supposed to be the leading proponent of this fight. He is the fellow pulling the strings and making the changes in this bill. I suspect that he had his arm in the drafting of this bill up to his shoulder, but I do not know. Anyway, he was on the television last night and he let the cat out of the bag. He told us, if you wanted to listen, why this supposed compromise that they had worked out by themselves was introduced, so as to get a bill through the House and over to the other body, and he made the statement that no bill would be any good unless they had this right that I have been telling you about, which is taxing the Government of the United States, and, when they get it back over to the Senate that has already passed this monstrosity, they will begin twisting both arms at the same time then and send it to conference and get you who have voted for it, who voted for this bill when you signed that petition to take it away from its legislative committee, then they would put it back in. He says that no bill is any good unless they get this.

The CHAIRMAN. The time of the gentleman from Virginia has again expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WHITENER. Mr. Chairman, will the gentleman yield to me?

Mr. SMITH of Virginia. Yes, I yield to the gentleman from North Carolina.

Mr. WHITENER. The gentleman from Virginia has made a very fine explanation of the so-called formula, but I believe there is one aspect of the formula which the gentleman inadvertently failed to mention, and that appears on page 52, where it provides:

Real property in the District exempt from taxation by special act of Congress—

Or by other actions——

Mr. SMITH of Virginia. May I answer the gentleman?

Mr. WHITENER. Yes.

Mr. SMITH of Virginia. I did overlook it. There are so many booby traps in this bill that you cannot cover them all in 15 minutes. I really overlooked that one. But, this one is a "lulu."

You know, you have a lot of buildings here that belong to private societies and things that we want to make free of taxes, and we pass these bills here to do that at every session of Congress. Take, for instance, the Daughters of the American Revolution. They have an ornate building down here. It is exempt from taxes. If you taxed it, what you would hear from those ladies would be something to make the ears burn, because I know a lot of them. But, they do not do that. They do not tax that. They say, "Oh, no, Uncle Sam will pick up the tab on that tax."

So, Mr. Chairman, they have a provision in here to appraise for taxation all of that tax-exempt property and to apply the tax rate of the District of Columbia, whatever it may be at the time, to these items at whatever rate they choose to make. They will apply that tax rate to the Daughters of the American Revolution and all the other tax-exempt properties. They have not taken that out of the bill. It is in there now. It will be added to the tax bill that will be presented. They say they are going to compromise, but even if they compromised under this new—and I will repeat this—monstrosity, it provides that they shall present their bill through the General Services and the General Services shall review it and then shall certify to

Congress and then it will go to the Appropriations Committee.

Mr. Chairman, all the members of the committee know that when a thing has gone through the General Services and has been certified for payment by the Government, it has a mandate to pay the bill.

That is what these boys want. They do not want anything else, and they are not going to take anything else.

Mr. ABERNETHY. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Virginia. I yield to the gentleman from Mississippi.

Mr. ABERNETHY. Does not this formula also provide that the District may levy or make an assessment against properties here owned by the VFW, American Legion, the American Red Cross, and various religious societies, such as the Methodist Building over here, and collect taxes on these buildings, and the property, from the Federal Government?

Mr. SMITH of Virginia. Yes. I do not think anybody disputes that.

Mr. ABERNETHY. That also goes for the various labor union buildings here.

Mr. SMITH of Virginia. They are going to make "Uncle Sap" pay. They do not make it only on those buildings.

Mr. MULTER. Mr. Chairman, I yield 10 minutes to the gentleman from Maryland [Mr. SICKLES].

Mr. SICKLES. Mr. Chairman, I think maybe they sent a boy here to do a man's job because, like many in this House, I was impressed by the remarks of the previous speaker in the well. Naturally I am a little bit concerned about the impression that was created by the remarks of the gentleman. You will have to be the judges as to whether or not the proper impression has been created.

Mr. Chairman, the reason why we have a Federal payment formula in the bill is because we feel that the continuation of the principle of Federal payment or Federal contribution to the activities and the financing of the District of Columbia was desirable. Once we had arrived at this general judgment, we then looked to a method of determining what the amount should be. It is true that there have been different methods of the computation of the payment over the years.

There was a time when 50 percent of the District budget was paid for by the Federal Government. More recently there has been an amount established by the Congress as a maximum amount payable, but, then, the appropriations procedure was followed, and the District did not get the full amount.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. The gentleman from Maryland knows my strong feeling that any home rule bill should include a provision for annual review of the Federal contribution. As I understand it, in the substitute or the compromise an attempt has been made to make provision for such an annual review.

May I ask the gentleman from Maryland if the language on page 58, lines 20 to 24, of H.R. 11218 is the language which seeks to accomplish that result?

Mr. SICKLES. I will answer the gentleman by saying "Yes, it is."

Mr. GERALD R. FORD. If that is the language, I think it ought to be crystal clear from one of the authors of this bill or sponsors that the language intends that when the mayor submits the requests that the House and Senate Committees on Appropriations will review the request, and that the House and Senate will then be called upon to pass judgment on the amount recommended by those committees.

Mr. SICKLES. You have stated accurately what was the intention of the sponsor of the bill and those of us who are the prime movers in this effort to pass the bill intend.

Mr. GERALD R. FORD. Even though the language here is not too complete, and it is not too clear, such an interpretation is a proper one from a person who is a joint sponsor of this particular provision.

Mr. SICKLES. I can only tell you, I agree entirely with what you said. It is my understanding that all the sponsors understand that this was the intention.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman.

Mr. MULTER. If there is any doubt, let me resolve that doubt by saying that each of us who put in the bill with identical language, the gentleman from New York [Mr. HORTON] and the gentlemen from Maryland [Mr. MATHIAS and Mr. SICKLES] and I intend and we believe the language does as explicitly as possible require—not permit—require the U.S. Congress each year to review and determine how much if anything they will appropriate and pay to the District of Columbia as a contribution toward the cost of government of the District of Columbia.

May I add one other thing further. Regardless of what anybody on the outside may say, there is no commitment of any kind by any of the sponsors of this bill as to what we will do in conference. This is the bill we are asking the House to pass, and if the House passes this bill and it goes to conference, then every conferee is bound to fight for the bill.

Mr. GERALD R. FORD. Will the gentleman from Maryland yield so that I may ask the gentleman from New York one further question?

Mr. SICKLES. I yield to the gentleman.

Mr. GERALD R. FORD. I am glad to hear the statement by the gentleman from Maryland backed up by the statement made by the gentleman from New York. Let me be crystal clear now so that we all know what we are talking about. I would like to read the language to which I referred and I read at page 58, line 20, of H.R. 11218. The language is as follows: "and is in conformity with the provisions of this section, the Administrator shall certify the amount of such authorization to the Mayor who shall submit it to the Congress, together with any request for the appropriation of such payment."

In other words, the answer given by the distinguished gentleman from Maryland and the answer given by the distinguished gentleman from New York pertains and refers specifically to this language.

Mr. MULTER. There is no doubt about that at all. Bear in mind also that not only as to the appropriations but this bill specifically retains in the Congress of the United States all of the constitutional and legislative authority that it has over the District of Columbia. We are merely by this charter temporarily delegating to the city council and the Mayor some of the powers that we have, with a complete retention and right of review at all times to change, to modify, or to repeal any action whether it be an appropriation or anything else. So I would go even further and say not only must the Congress appropriate money each year but, to the extent that any appropriation is unexpended, this Congress retains the right to recall it.

Mr. GERALD R. FORD. Any such language does not mean that the Congress has to appropriate any amount, from zero on up—we have the final authority on an annual basis to make our own determination and to use our own judgment regardless of the formula?

Mr. MULTER. The gentleman is absolutely and completely correct.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from North Carolina.

Mr. WHITENER. Notwithstanding the answer which the gentleman from Maryland and the gentleman from New York gave to the gentleman from Michigan [Mr. GERALD R. FORD], I will ask the gentleman if it is not correct that the Congress will never have any right or opportunity to evaluate the budget of the District of Columbia but that in fact the situation will be as stated on page 58, that the mayor with the approval of the city council will merely submit to the General Services Administrator a computation based on whatever the tax rate is that is fixed in the District of Columbia, and that Congress could not go behind that at all if they found they were buying eskimo pies for folks working in icehouses and we could not do a thing about it; could we?

Mr. SICKLES. I would hope they would not have to become that concerned with the sale of Eskimo pies in ice houses. But it would seem to me that the Appropriations Committee would request the budget and review the budget thoroughly before it made is final judgment and recommendations to the House.

Mr. WHITENER. Why, then, does not the gentleman provide that the Mayor and the City Council would submit to the Appropriations Committee or to the Congress the budget?

Mr. SICKLES. Because we wish to make sure that the computation would be made properly. In the way the bill was originally drafted, the administrator would certify that an account was correct. All we are now doing is adding the additional step, which is a most important step insofar as the House is concerned, that they would not get a penny until we would appropriate the

money. We would not appropriate the money until the Appropriations Committee had reported out the bill. They will not report it until they have looked at the entire budget as they have in the past.

Mr. WHITENER. The gentleman is saying that the formula does not mean a thing?

Mr. SICKLES. I was getting to that point when we got engaged in the colloquy. I shall not say that the formula does not mean a thing, but it has been greatly affected by this language. I wish to explain it.

Mr. WHITENER. May I ask the gentleman one other question? When the gentleman testified before our subcommittee, before we were ungallused, he did not seem to know the answer to this question. I am sure he must know it now. You have a formula provided in the bill. We are told that the figures show that this year there will be around $175 million of Federal money spent—$175 million will be spent—in the District of Columbia by the Federal Government, a part of which would be for strictly local services which are not included in the present Federal payment. Are we to understand that this formula envisions that there will be no appropriated funds for things like hospitals which are confined for the use of the District of Columbia and some of these other agencies which are strictly for the District of Columbia, and that the only money they can expect would be from this so-called formula?

Mr. SICKLES. I do not quite understand the question.

Mr. WHITENER. I shall try to make it clear. The St. Elizabeths Hospital is one of the institutions to which I refer. Recently in our committee we considered legislation, which was passed by the House, which provided that, if any nonresident of the District of Columbia was hospitalized in that hospital, a claim would be filed by the District Commissioners against the family of the individual or against the State of that individual's residence. The Federal taxpayers pay every penny of the operation of St. Elizabeths Hospital, and not only that, under your rather phenomenal formula, we will pay taxes on a building in order to have the privilege of spending the taxpayers' money from all over the United States. Does the gentleman say that in the future we shall not have to take St. Elizabeths Hospital under the Appropriations Committee's wing—that it will come under the formula?

Mr. SICKLES. We will continue to handle the St. Elizabeth's appropriation as we have in the past unless we decide to do otherwise.

Mr. WHITENER. So they will have two bites at the cherry.

Mr. SICKLES. Unless you change the rules, the rules will be as you have described them.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from New York.

Mr. MULTER. I think we should try to make it abundantly clear that despite all the talk here, there is no tax on any Government property, real or personal. All we are doing in the substitute is providing a formula to authorize a maximum amount of money that may be appropriated. I emphasize and underline the words "may be appropriated."

So when the Appropriation Committees of both Houses consider the matter, they will have the same free hand which they now have. There would be no limitation of any kind whatsoever in the pending bill, or in the proposed bill which we hope the House will pass, which will in any way delimit or prevent the Appropriations Committee from reviewing every last dollar that is requested by the District government, and appropriating only so much as the Congress decides they should have.

Mr. SICKLES. The purpose of establishing the formula that we have was to try to come up with some reasonable basis, a formula that would be fair and equitable, one that would be flexible, one which would be automatically adjusted. We came up with the formula which is in the bill.

Mr. WILLIAMS. Will the gentleman yield?

Mr. SICKLES. I am glad to yield to the gentleman from Mississippi.

Mr. WILLIAMS. If the gentleman will look at the bottom of page 57 of the bill he will see, in subparagraph (2) a stipulation with respect to the formula by which charges will be worked out for water services in the District to be paid by the Federal Government. It is my understanding that the U.S. Corps of Engineers operates a waterplant and furnishes the District of Columbia water. This subparagraph (2), it would appear, would provide that the Federal Government would pay taxes to the District for the privilege of furnishing it water. Is that a fair interpretation of that language?

Mr. SICKLES. I do not believe that would be a fair interpretation.

Mr. WILLIAMS. I suggest that the gentleman read subparagraph (2) and try to find some other interpretation.

Mr. SICKLES. The amount of money that is going to be paid is to pay for the cost of the water, to reimburse the cost of the water.

Mr. WILLIAMS. The Federal Government, as I understand it, furnishes the water.

Mr. SICKLES. If the Federal Government furnishes the water, then I am sure it charges the District for it. We will go all around the circle.

Mr. WILLIAMS. Is it not also correct that the Federal Government fixes the mains?

Mr. SICKLES. I do not believe there is a problem.

Mr. WILLIAMS. I believe they maintain them.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from New York.

Mr. MULTER. Let us look at the language to which I believe the gentleman referred. Page 57, line 22. This is the language. It says:

The amount of the charges for water services furnished to the Federal Government by the District.

And not the reverse.

Mr. SICKLES. We felt that there was a need to come up with an automatic formula which would take into consideration all of the uncertainties and would be fair and equitable. It was recognized that, of course, the Federal Government is not an industry and is not a business, but it certainly stands in that stead here in the District of Columbia. So a formula was determined.

This is not a tax. It is specifically so stated in the bill.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. MULTER. Mr. Chairman, I yield the gentleman from Maryland an additional 5 minutes.

Mr. SICKLES. Section 324(b) says:

Neither the Council—

That is the elected District Council—

nor the qualified voters of the District of Columbia—

Who have a right to petition—

may pass any act contrary to the provisions of this Act, or—

(1) impose any tax on property of the United States;

So the bill specifically says that there will be no tax on the property of the United States.

In order to have a payment in lieu of taxes we have developed a formula. We take the real estate assessment, with some exceptions, of all Federal property, and the personal property assessment, with some exceptions, for all personal property, and apply to that the local rates, in order to establish what the payment will be.

They tell me that a long time ago if something looked like a duck, waddled like a duck and quacked like a duck then it must be a duck. The difference here is that there is everything except the quacking like a duck. There is a difference. This difference is that this is a formula established by that person or thing which is supposed to be taxed. This formula can be changed at any time.

We have added—and this is the important factor—by our subsequent change, in this modification which everybody has been referring to, that we recognize the Congress was not of a mind to have this appropriation automatic, so our bill has been amended, as indicated by the minority leader, to the point where there will be an annual appropriation.

All this entire formula will do, at this point, is establish a maximum. The appropriation will be annual as determined by the Congress of the United States.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman from North Carolina.

Mr. WHITENER. Since the gentleman has said that this quacking is not going on in the District of Columbia but there is a little bit of waddling, I wonder if the gentleman would support an amendment which would let this same tax formula waddle through the 50 States and into the various cities where there is Federal property?

Mr. SICKLES. I do not believe so. I believe the situation in the District of Columbia is different. What we have done in the past, for more than 150 years, is establish the principle of the Federal payment. This is a method of determining on an automatic basis what a fair amount should be.

Mr. WHITENER. So if I should offer an amendment giving Maryland this same priivlege, the gentleman says he will vote against that?

Mr. SICKLES. I will vote against it with a smile, because I know all it will do is kill the bill.

Mr. KORNEGAY. Mr. Chairman, will the gentleman yield to me?

Mr. SICKLES. I yield to the gentleman from North Carolina.

Mr. KORNEGAY. The point I would like to raise is, if the District of Columbia is emancipated from the Federal Government by home rule, then what is the justification as far as the sponsors of this bill are concerned for the Federal payment?

Mr. SICKLES. The justification as established over the years is because of the very presence of the Nation's Capital here and the major function and role in this area of the Nation's Capital with the great concentration of major public buildings.

Mr. KORNEGAY. Is that not the source of wealth of the District of Columbia to begin with? The Federal Government?

Mr. SICKLES. It is a source of wealth and it is a source of problems, also. Like any major industry in any large city it brings a lot to it and it also generates a lot of problems. In the past this has been recognized as far as the Nation's Capital and the Federal Government are concerned.

Mr. KORNEGAY. Will the gentleman not concede that the private property here, or most of it anyway, is here by reason of the fact that the Federal Government is here in the District of Columbia?

Mr. SICKLES. That is right.

Mr. KORNEGAY. And that the 185,000 civilian Federal employees who in 1960 received $1,476 million in pay from the Federal Government live here and buy homes here and acquire taxable property and that sort of thing.

Mr. SICKLES. That is right, but I do not think it is really suggested that we should not continue the Federal formula or payment. It is merely a question of determining how it should be measured and under what circumstances it should be paid. I do not think we should propose to apply this principle to the rest of the cities of the country.

Mr. KORNEGAY. If the gentleman will yield for a further question. In my district and in fact in my hometown, the Federal Government is building a very fine post office building costing about $5 million. I am sure we are glad to have it and are not planning to charge the Federal Government any taxes on it, but I would be hard put to answer a constituent on how we can justify the fact that this property in North Carolina is tax free, yet in the District of Columbia, under home rule, property of the Federal Government is taxed according to the schedule in the report. That concerns me. I thank the gentleman.

Mr. SICKLES. I do not think you will have a problem because what will happen is whenever the formula develops, assuming that the bill is passed, when it goes through the appropriations process there will be some shrinkage. The actual payment will be less, and you can tell your constituents they forgot about the post offices in the District of Columbia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULTER. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield to the gentleman.

Mr. WAGGONNER. I thank the gentleman for yielding. Section 337 of the proposed act has to do with the procedure of zoning acts. I have read this section carefully and I find the National Capital Planning Commission has no veto authority whatsoever over proposed zoning to be made by the Council. What is to protect the U.S. Capitol or Pennsylvania Avenue, for example, and Independence Avenue, for example, from an invasion by billboards, service stations, liquor stores, and that sort of thing?

There is considerable interest on the part of some in beautifying our highways around the country these days and keeping junkyards out of sight, but who is going to have the veto authority when that sort of thing is allowed to invade the area surrounding Capitol Hill?

Mr. SICKLES. The current situation, of course, is that the District of Columbia Commissioners are the zoning authority. The only real impact or influence on them, I suppose, is that they are appointees of the President of the United States, who would have some influence on them. We would not change the law except, of course, it would give to the District Council the zoning authority power. They would still have to refer and, as a matter of law now they will have to refer any recommended zoning changes to the Commission and give them ample time, I think it is 30 days, in which to make a report. But before this act could be consummated there would be a right to veto by the President of the United States, which is not there any more, or we could pass a law here, which we always reserve and retain the right to do. So it seems to me there are many adequate safeguards still there.

Mr. WAGGONNER. Will the gentleman yield further?

Mr. SICKLES. I am glad to yield.

Mr. WAGGONNER. How would the Congress of the United States become informed when the procedures prescribed under this section of the law do not require that any notification be given them when zoning proposals are to be changed?

Mr. SICKLES. I would assume that we would continue to have both District Committees with a great many functions to perform. I am sure they would be very mindful what is going on.

Mr. WAGGONNER. The gentleman's assumption is one for which he has no basis. There is no requirement for the Council to inform the District Committee either of the House or of the Senate of anything, only that they inform the National Capital Planning Commission, and even then the National Capital Planning Commission has no authority; they may only comment.

Mr. SICKLES. This is the only authority they have at present. I am sure they would keep us wired in as to what was going on if they thought that the local officials were going to do something different.

Mr. WAGGONNER. Then it would be possible without the Congress knowing anything about it to build high-rise apartments overshadowing the dome of this Capitol?

Mr. SICKLES. I cannot imagine anything like that happening without our knowing about it either from appropriate groups or an aroused citizenry, and then we would have the opportunity to look into it.

Mr. WAGGONNER. The gentleman says he cannot imagine its happening, but it could happen.

Mr. SICKLES. I do not think it is really within the realm of possibility.

Mr. WAGGONNER. There are many things happening today that I did not think 2 years ago were in the realm of possibility.

Mr. SICKLES. Mr. Chairman, I would say that the gentleman raises a point, but I think there is a good answer to it.

I have tried to speak to it, but with respect to the bill there are just a great many areas that if we could look 10 or 15 years ahead we might be in sympathy with this point or other points, or we might be alarmed about them, and maybe unduly alarmed. But we have to assume that there are reasonable and decent people in the District of Columbia and that they would elect reasonable and decent people to do this job. I am willing to put my trust in these people, and I hope the rest of us will go along with that.

Mr. WAGGONNER. Let me say specifically for this one Member that I am not at all willing. But will the gentleman answer this one other question?

Mr. SICKLES. Briefly.

Mr. WAGGONNER. How are the liquor licenses to be controlled under the authority granted the Council for Zoning?

Mr. SICKLES. I think that they would come under the authority of the Liquor Board. The Council would have that authority and could keep it to themselves or establish a Liquor Board that would continue to operate as the current Liquor Board operates now. It seems to me that this is a proper legislative function for them, to determine the manner in which liquor licenses will be granted.

Mr. WAGGONNER. Do I understand the gentleman to say that a Liquor Board that is to be created will operate under the same restrictions which presently exist with respect to the granting of liquor licenses in the District of Columbia?

Mr. SICKLES. The gentleman is asking me to outguess what future author-

ities will do with respect to liquor licenses. When this District Council passes local regulations they will pass regulations with respect to this subject matter as they do others.

Mr. Chairman, I want to emphasize that this formula is merely a formula. As a matter of fact, the local District government does not tax, but the formula is there only to give reasonableness in determining what the amount of the payment should be. There is a precedent for that. It is interesting that the House Appropriations Committee some few years ago, in determining what they thought an adequate payment should be, used a formula substantially the same as the one we have in the bill, as one that would be equitable. Then they determined the amount of the appropriation. It would be based upon substantially the same formula we have here today.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. SICKLES. I yield.

Mr. ROGERS of Colorado. We are talking about the formula which begins as part 4, on page 54 of the so-called compromise bill, H.R. 11218. On line 19 it says: "are hereby authorized to be appropriated from revenues of the United States to cover the proper Federal share of the expenses of the government of the District."

Will the gentleman agree that when we turn to page 58 we find a section where the mayor and the General Services Administrator get together and arrive at some figure?

Will the gentleman agree that that is an authorization for an appropriation?

Mr. SICKLES. If the thrust of the gentleman's question is that does lines 20 through 24 on page 58 restrict the application of the language on page 54, line 19, so that you do not have automatic appropriations, then I agree with the gentleman.

Mr. ROGERS of Colorado. No; the question is not that. My question is that under the wording of this language when the General Services Administration and the mayor of the District of Columbia arrive at a conclusion, does that constitute authorization for an appropriation at the amount upon which they agree?

Mr. SICKLES. No; it does not, because——

Mr. ROGERS of Colorado. Well, now, if it does not, then will the gentleman not agree that the rules of the House provide that before an appropriation can be had there must be legislation authorizing it?

Mr. SICKLES. Yes.

Mr. ROGERS of Colorado. If that be true, when does Congress authorize the appropriation, unless you intend to slip it through here by delegating to the General Services Administration and the mayor of the city of Washington the authority to make a law for Congress which is to authorize the appropriation, and that appropriation is the amount that they agree to?

Is not that a reasonable interpretation to be placed upon this compromise bill?

Mr. SICKLES. I do not believe that we are, in effect, trying to sneak something through. I think everyone understands that if we pass this bill, this is the authority for the payment, but there still must be the appropriation, and not 1 penny will be paid unless we pass an appropriation bill.

Mr. ROGERS of Colorado. Will the gentleman not agree that before there can be an appropriation there must be an authorization for the same?

Mr. SICKLES. This will be the authorization, it seems to me.

Mr. ROGERS of Colorado. This? That is the point. This is the authorization?

Mr. SICKLES. Yes.

Mr. ROGERS of Colorado. But ordinarily Congress would approve it. But here you have assigned the responsibility for this authorization to be performed by whom? The mayor to be elected under this setup and the General Services Administration, neither of whom Congress has any control over.

Mr. SICKLES. We are setting up the rules here by this authorization bill, and it seems to me this is not shocking, as long as they follow the rules set out here. But since we have the additional protection of not 1 penny being paid before going through the appropriations process, I do not see any need for alarm.

Mr. Chairman, let me conclude my remarks by saying that we do have a letter from the Deputy Attorney General which states that this formula is constitutional. It is similar to the one which the Atomic Energy Commission has used with reference to this kind of formula where they have automatic payment. It is merely a formula. We are not taxing the Capitol of the United States, we are not taxing flagpoles, we are not even taxing the chairs out in the Speaker's lobby where we rest so comfortably.

The CHAIRMAN. The time of the gentleman from Maryland has again expired.

Mr. McMILLAN. Mr. Chairman, I yield 15 minutes to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman and Members of the Committee, early in the session I proceeded—relative to the questions of home rule—with the idea in mind that there would be some reasonable middle road where some of the congressional responsibilities for the District of Columbia could be transferred to a local District of Columbia Government, having in mind that the judicious delegation of responsibility might create a more efficient and democratic government.

Mr. Chairman, as time went on we, on the minority side, held discussions on what we might be able to do to improve the home rule bills to make them workable. Certain glaring points came into very sharp focus in our discussions and research on this delicate issue.

I would like to point out that we proceeded diligently with the idea of trying to work something out to protect and improve our Federal City in every respect. Certainly we did not want the Capital City of the United States of America to become a political vassalage for anybody. We have seen many of our large cities where graft-ridden organizations have taken over. Such should not be permitted in our Capital City as happens in other cities where the black bag operator goes around soliciting and arm-twisting in every imaginable way.

The District Committee was in the process of holding hearings on the various home rule bills when the discharge procedure interrupted. Thus, your committee did not have ample opportunity to examine and discuss the myriad proposals before it so as to find the most workable and judicious approach to a measure of home rule for the District of Columbia.

After our hearings were interrupted, I took it upon myself to research each of the home rule bills. Summing up, I found many glaring defects, some of which have been discussed today. However, some have been overlooked, which I will touch on. For example, under these bills, the Federal employees are de-Hatched for local elections. The Hatch Act provides that Federal employees shall not take part in partisan politics. These bills would both de-Hatch and allow partisan elections. In addition, the bill exempts the candidates for Mayor and Council from the Federal Corrupt Practices Act.

Mr. WAGGONNER. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN (Mr. ROSTENKOWSKI). The Chair will count. [After counting.] One hundred Members are present, a quorum.

Mr. NELSEN. Mr. Chairman, I would point out that, first, these home rule bills will set up elections on a partisan basis; second, these bills will de-Hatch Federal employees. As a result, you can expect that the ward heelers will move in on the Federal Government employees to solicit money and political muscle for District political campaigns. You can expect a Federal employee will feel a heavy and immediate obligation to make a contribution, because he will fear for his job if he fails to cooperate. The threat is implicit. The General Counsel of the Civil Service Commission endorses this position and I include at this point in my remarks an article by Joe Young reporting the General Counsel's comments:

[From the Evening Star, Sept. 24, 1965]

MERIT SYSTEM THREAT SEEN IN PLAN FOR WASHINGTON PARTISAN POLITICS

(By Joseph Young)

The Civil Service Commission's General Counsel believes provisions in the District's home rule bill that permits Federal and District government employees to take an active part in Washington's municipal elections on a partisan basis pose a "grave threat" to the merit system.

Lawrence Meloy, who has been more closely associated with enforcement of the Hatch Act than any other Government official since its enactment in 1939, says the home rule legislation could open the door for eventual repeal of political activity restrictions for Federal workers in national elections as well.

Furthermore, Meloy contends that by permitting Federal employees to campaign actively in municipal elections here they will be subjected to intense political pressures

to contribute to candidates and political parties.

"Their chances of promotion and even keeping their jobs would depend on their political activities in many cases," Meloy said. "And should a political change of administration occur, their chances of keeping their jobs would rest on how little they did for the previous party in power. Thus, Government workers here would be jeopardizing their careers, no matter what they did."

Meloy believes that Federal employees' political activities in municipal elections in Washington would be justified if the elections were held on a nonpartisan basis. But the legislation provides that elections be held on a partisan basis—with candidates running under the labels of the Democratic and Republican Parties.

Thus, the CSC General Counsel said, Federal workers can't help but get mixed up in partisan politics.

Meloy pointed out that Hatch Act rules now permit Federal workers to participate actively in nonpartisan municipal elections throughout the country and that this has worked out fine.

"We have never had any trouble as a result of Federal workers participating actively in nonpartisan elections in cities such as Los Angeles, Detroit, Cincinnati, Dallas, Milwaukee, and many others," Meloy said. "There's no reason why the District of Columbia's elections can't also be on a nonpartisan basis."

The widely held view is that President Johnson and the Democratic controlled Congress, well aware of the overwhelming Democratic vote in the District, want to capitalize on this by holding partisan elections, rather than dispensing with party labels on a nonpartisan basis.

Consequently, Meloy's views are not getting much of a response from CSC or at the White House.

Meloy also thinks that if Federal employees are permitted to campaign actively on a partisan basis in the District, they will have to be given such rights in Montgomery and Arlington Counties. In turn, this will spread to all partisan municipal and other State contests thoughout the country, he believes.

"After that, it will only be a matter of time before legislation would be enacted to allow Government workers to participate actively in national politics and elections," Meloy predicted. "I don't think the merit system as we know it could survive this."

Federal and District government employees living in the District of Columbia would not be the only workers eligible to participate and campaign actively in the District's mayoralty and city council and perhaps delegate elections. Federal and District employees living in nearby Maryland and Virginia also could participate and campaign actively, thus subjecting themselves to possible pressure from their bosses to take an active role.

If we are going to permit such a dangerous bill to be passed in this Congress, we would be derelict in our responsibility. We of the minority discussed these dangerous provisions and begged the bill's authors to consider them, but we have been completely ignored.

When you start talking about amending the Hatch Act, that is section 9 of the Hatch Act, as it applies to District elections, I would remind you that under present law there have been flagrant and repeated violations of the Corrupt Practices Act and there have been flagrant and repeated violations of the Hatch Act.

To document what I say I will include in the RECORD at this point material relative to this discussion including correspondence between myself and the Civil Service Commission:

POLITICAL SHAKEDOWNS IN THE REA

Mr. NELSEN. Mr. Speaker, the May 28 issue of the Washington Star contained a front page story by Walter Pincus indicating that the political arm twisters are at work again trying to pressure Federal employees into buying $100 tickets to the 1965 Democratic congressional dinner on June 24 at the National Armory. I include this article at this point in my remarks, along with a Washington Star editorial of June 1 commenting on these disclosures:

"U.S. WORKERS TARGETS AGAIN

"(By Walter Pincus)

"Machinery to solicit political contributions from Federal employees again has been set in motion by Democratic Party officials given the job of selling $100 tickets to the 1965 Democratic congressional dinner on June 24 at the National Armory.

"The aim this year, through mailings and personal contact, apparently is to get those employees who contributed last year during the presidential campaign to contribute again.

"As part of their program, the Democrats again appear to be planning to push ticket sales within Federal departments and agencies—a practice that previously has stirred up criticism from within the civil service.

"This year, however, it's the 'salesmen' selected to do the pushing who appear disturbed.

" 'You have a choice—break the Justice Department's law or Maguire's law,' one political appointee said Wednesday. He had just been made part of his agency's team to push sales of $100 tickets to the dinner to a list of his colleagues.

"The 'Justice Department's law' is a section of the Federal code which makes it illegal for one Federal employee to 'directly or indirectly' solicit, receive 'or * * * in any manner (be) concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever * * *' from another Federal employee. The penalties: a fine of not more than $5,000 or a sentence of not more than 3 years in jail or both.

" 'Maguire's law' refers to Democratic Party Treasurer Richard Maguire, the man credited with setting up the machinery for systematic solicitation within Federal agencies.

"The 'in-house' salesmen, for the most part, are the agency's political appointees whose futures depend in large part on the good will of party officials.

"In the past, the Federal law has pretty much been winked at. This year, however, the Justice Department is weighing a Federal Bureau of Investigation report to determine whether several officials of the Rural Electrification Administration violated Federal law in their promotion last year, of $100 tickets to the Democratic fundraising gala.

"The Civil Service Commission, after a preliminary inquiry into the matter last fall, determined the facts were such to warrant study for prosecution.

"Despite the Justice Department inquiry, Democratic Party aids have begun to distribute lists of last year's contributors to Federal agencies to aid in selling this year's dinner tickets.

"Officials at both the State and Commerce Departments reportedly not only have received such lists, but have discussed promotion of ticket sales with selected top staff members.

"At the State Department, a meeting reportedly took place within the past week and the list of last year's contributors was broken down among a group of eight political appointee 'salesmen.' Their job was to keep to the 'strictly political' jobholders, but to encourage them to again contribute to the party.

"Reports that a similar meeting took place at Commerce could not be confirmed.

"At one point in the State meeting, a suggestion that solicitation letters be sent to Ambassadors overseas was vetoed.

"Complementing the direct solicitation effort is a mailing to lists of contributors over the signature of Party Chairman John M. Bailey inviting the recipient to the dinner and enclosing a pledge card.

"The card contains a code number that permits the dinner committee to identify a Government employee's agency and so seat him with his coworkers.

"Milder than 1964 effort

"This year's in-house solicitation appears to be much milder in its approach than was the effort made last year to sell gala tickets.

"At that time, top agency officials scheduled cocktail parties to precede the event and agency 'salesmen' went down their assigned lists asking fellowworkers if they were coming to the party.

"From the party, buses took those present to the gala where they all sat together—usually with the front row of their section filled with the highest ranking agency officials from the Secretary down.

"How much actual 'pressure' is involved in ticket sales? Some civil servants considered the very fact they received an invitation at home implied 'pressure.'

"One agency salesman said the belief that President Johnson was the kind of politician who watched officeholder contributor lists was a form of 'pressure.'

"New element now

"Adds a Democratic National Committee spokesman: 'The biggest pressure came from repeated news stories that employees were being threatened as to what would happen if they didn't come through.'

"This year there appears to be a new element of resentment among the 'salesmen.' They have a fear that should someone report them—as happened in the REA case—no one, particularly party officials, could come to their defense.

"Party officials who hand out contributor lists in no way violate the law. Only the Federal employee who approaches a colleague faces trouble."

"MAGUIRE'S LAW

"Well, the time for another of the Democrats' $100-a-plate fundraising dinners is once more drawing near. And once more the party hierarchy in Government offices all over town is revving up the machinery to put the arm on Federal employees for contributions—in clear violation of Federal law.

"Thus far, as the Star's Walter Pincus noted the other day, the main complaints are coming from employees recruited to push the congressional dinner ticket sales. Their concern is understandable. For the Federal code is quite specific in making it a crime for any Federal employee 'directly or indirectly' to solicit funds from another Federal employee 'for any political purpose whatever.' And while this is not a new provision, most of the ticket pushers are fully aware that the Justice Department is examining an FBI report on complaints which arose in connection with a similar party gala last year.

"The trouble is, as one anonymous political appointee put it, that he and many of his colleagues are placed in a position of breaking either 'the Justice Department's law or Maguire's law'—the latter referring to the solicitation plans reportedly set up by Richard Maguire, the Democratic treasurer.

"There is no question, of course, about what action is called for here. 'Maguire's law' ought to be repealed, fast, and no congressional action is required to do it. Legis-

lation may well be desirable to encourage wider financial support of political candidates and their parties, possibly through tax credits or tax deductions. But in the meantime Federal employees should be protected against the pressures to give which are inevitably present under the sort of solicitation program which is now getting underway."

Mr. Speaker, I wish to publicly commend Mr. Pincus and his newspaper for bringing these shocking political shakedowns into the open, and exposing them to public view. I believe it is a great public service.

As Members of this body know, similar complaints of illegal political fundraising solicitations by Federal officials were brought to me many months ago by Federal workers in the Rural Electrification Administration of the Department of Agriculture because I once served as REA Administrator.

After much badgering, the Civil Service Commission agreed to look into the charges and documentation which had been provided to me, and the very first Civil Service Commission investigation of its kind was begun. Finally, on October 8, 1964, I was advised that the Commission had found four REA officials to be "involved." Three of the officials are in excepted positions and one is in the classified service.

In the October 8 letter, the Commission's General Counsel also advised me that the results of the investigation were being turned over to the Justice Department for determination of possible criminal violations. I include the text of this October 8 letter at this point in my remarks:

"U.S. CIVIL SERVICE COMMISSION,
"Washington, D.C., October 8, 1964.

"Hon. ANCHER NELSEN,
"House of Representatives.

"DEAR MR. NELSEN: This is in response to your letter of September 22, 1964, concerning the investigation of alleged Hatch Act violations in the Rural Electrification Administration and your telephone calls of September 28 and October 1. As I told you on the phone, I was somewhat handicapped in my endeavor to obtain the information you wanted because of the hospitalization of Mr. Meloy, who was personally supervising the conduct of the investigation.

"As you know, we conducted an investigation of the alleged Hatch Act violations in the Rural Electrification Administration. There are four individuals involved. One is in the competitive service and subject to our jurisdiction; the other three are in excepted positions and subject to the jurisdiction of the Department of Agriculture. In an effort to coordinate action we have notified the Secretary of Agriculture of our investigation. We have not been advised as to what they plan to do.

"In addition, we have furnished the Department of Justice with a copy of our investigation. That Department has jurisdiction to determine whether to prosecute for violation of the criminal laws. It has been our practice in this kind of a situation to defer administrative action until the criminal aspects of the case have been fully explored.

"I am not in a position at this time to express an opinion as to a violation of the Hatch Act by the employee who is subject to our jurisdiction. Under the procedure we follow such a decision is made initially only after a letter of charges has been served and the employee's answer has been considered.

"Sincerely yours,
"JOHN J. MCCARTHY,
"Assistant General Counsel."

Mr. Speaker, in January of this year I inquired of the then Acting Attorney General as to the progress of the Justice Department consideration of the civil service findings. Mr. Katzenbach replied to my letter of January 12 on February 4 stating that the Federal Bureau of Investigation had been requested to investigate the facts in the case. This exchange of correspondence is included at this point in my remarks as a further documentation of the chronological development of this investigation:

"JANUARY 12, 1965.

"Hon. NICHOLAS DEB. KATZENBACH,
"Acting Attorney General,
"Department of Justice,
"Washington, D.C.

"DEAR MR. KATZENBACH: Enclosed you will find a copy of a letter which I received from the Assistant General Counsel of the U.S. Civil Service Commission under date of October 8, 1964, reporting on their investigation of alleged Hatch Act violations in the Rural Electrification Administration.

"You will note that three individuals involved in this investigation are in excepted positions and subject to possible prosecution for violation of the Corrupt Practices Act.

"You will note further that a copy of the Civil Service Commission investigation was furnished the Department of Justice.

"At this point, I would be interested in knowing if your Department has determined whether to prosecute for violation of criminal laws and whether any report has been made to the Civil Service Commission of your consideration.

"I am fully cognizant of the necessity for protection of the rights of individuals involved in such procedures, and at this point I am not asking that I be provided with a detailed report which would divulge the identity of the Federal employees involved. In the interest of protecting and fostering the merit system in Federal employment, however, I do feel that cases such as these should have prompt and expeditious consideration.

"Thank you for your kind cooperation.

"Sincerely yours,
"ANCHER NELSEN,
"Member of Congress."

"FEBRUARY 4, 1965.

"Hon. ANCHER NELSEN,
"House of Representatives,
"Washington, D.C.

"DEAR CONGRESSMAN NELSEN: This will reply to your letter of January 12, 1965, with which you enclosed a copy of a letter to you from the Assistant General Counsel of the U.S. Civil Service Commission, referring to an investigation of alleged violations of the Hatch Act in the Rural Electrification Administration of the Department of Agriculture.

"We have requested the Federal Bureau of Investigation to investigate the facts in this matter following which a determination will be made whether any violations of Federal criminal statutes relating to the solicitation of political contributions by Federal employees have occurred which would warrant prosecution. You are undoubtedly aware that in addition to possible criminal violations there are also involved possible administrative penalties, the imposition of which is within the responsibility of the Civil Service Commission and the employing agency.

"Sincerely,
"NICHOLAS DEB. KATZENBACH,
"Acting Attorney General."

After a time lapse of almost 2 more months, I again contacted the Justice Department for a report. At the same time I addressed a letter to Chairman Macy, of the Civil Service Commission. My deep concern over the apparent lack of expeditious resolution of this case was expressed to both Attorney General Katzenbach and Chairman Macy. Acting Assistant Attorney General John Doar responded to my letter of March 26 on April 5, stating in part:

"I have received the results of the FBI investigation into this matter. This report is being carefully reviewed by this Division and it is expected that this review will be completed in the near future."

I include my letters of March 26 and the Justice Department reply of April 5 at this point in my remarks:

"MARCH 26, 1965.

"Hon. NICHOLAS DEB. KATZENBACH,
"Attorney General of the United States,
"Department of Justice,
"Washington, D.C.

"MY DEAR MR. ATTORNEY GENERAL: This is with further reference to my letter of January 12 and your reply dated February 4, 1965, concerning the investigation of alleged violations of the Hatch Act and Corrupt Practices Act in the Rural Electrification Administration of the Department of Agriculture.

"In your letter of February 4, you informed me that the Federal Bureau of Investigation had been requested to investigate facts in this case preliminary to a determination as to whether criminal violations had occurred which would warrant prosecution. It is evident that no such determination has yet been made, since no action has been taken by the Civil Service Commission within its responsibility of an administrative nature concerning violations of the Hatch Act in the classified service. It has been my understanding, and I am so informed, that it is Commission policy to defer its action in a case pending resolution of criminal aspects by the Department of Justice.

"I am concerned that any possible delay in the handling of this case by the Department of Justice would be the cause of any default in the expeditious consideration of a matter so important to the preservation of the integrity of our Federal Civil Service.

"I would hope that I would have your report on this matter in the very near future.

"Sincerely yours,
"ANCHER NELSEN."

"APRIL 5, 1965.

"Hon. ANCHER NELSEN,
"House of Representatives,
"Washington, D.C.

"DEAR CONGRESSMAN NELSEN: In your letter of March 26, 1965, to the Attorney General you expressed concern over possible delay by the Department of Justice in handling the investigation of alleged violations of the Hatch Act and Corrupt Practices Act in the Rural Electrification Administration of the Department of Agriculture.

"I have received the results of the FBI investigation into this matter. This report is being carefully reviewed by this Division and it is expected that this review will be completed in the near future.

"I will keep you advised of any developments in this matter.

"Sincerely,
"JOHN DOAR,
"Acting Assistant Attorney General,
"Civil Rights Division."

"MARCH 26, 1965.

"Hon. JOHN W. MACY,
"Chairman, Civil Service Commission,
"Washington, D.C.

"DEAR MR. CHAIRMAN: Enclosed is a copy of my letter to Attorney General Nicholas deB. Katzenbach concerning the current Justice Department consideration of alleged violations of the Hatch Act and Corrupt Practices Act in the Rural Electrification Administration of the Department of Agriculture.

"I first made public reference to this situation back in 1961, and finally in 1964 was challenged by your Commission to provide documented evidence of my charges. This I did, and a Commission investigation was instituted in June of last year. The results of this investigation were reported to me by the Commission's General Counsel by letter dated October 8, 1964.

"Mr. Meloy reported that four individuals were found to be involved, one of whom was

in the classified service and three of whom were in the excepted service. His letter goes on to state that final action by the Commission under its jurisdiction in the case would not be taken until all criminal aspects of the case had been determined by the Department of Justice.

"More than 2 months have now elapsed since the Attorney General's advising me that the Federal Bureau of Investigation had been requested to look into the case. It is now going on 6 months since your General Counsel's advising me that the results of the Commission investigation had been referred to the Justice Department. It is now over 4 years since my having revealed this situation in a public statement.

"The primary duty and responsibility of the Civil Service Commission being to maintain and protect the independence of our Federal merit system, I feel it incumbent upon me to impress you and your Commission of my concern over the lack of dispatch in the handling of this case. It would be my understanding that you would be in constant contact with the Justice Department in the interest of expediting the fair and just determination of this entire matter and that you are keenly aware of the significance of this case to the merit system employees throughout the Federal Government.

"Sincerely yours,

"ANCHER NELSEN,
"Member of Congress."

We are now in the first of June, and this is where the matter continues to lie 9 long months after the Civil Service Commission report showing involvement in possible violations of the Hatch Act and the Corrupt Practices Act. These investigations by the Justice Department and Civil Service Commission have turned into a long stall.

The Washington Star article shows clearly that failure to take corrective action has served as an open invitation to the money-hungry politicians in Federal jobs to go right ahead with their harassment and pressures on employees in the service of their Government.

Obviously, the best way to deter such activities is to take proper action against those who have already been found to have been engaging in political fundraising among civil service employees. I would hope the effect of these latest disclosures will be to awaken officials in the Civil Service Commission and the Justice Department to their responsibilities to protect our Federal workers from further shakedowns and arm twisting.

You will note that the Civil Service Commission admits violations have been found and the cases have been referred to the Department of Justice. To date absolutely nothing has been done to bring the culprits to justice. It is incomprehensible to me why the Justice Department refuses to move. Time and again, I have tried to contact the Civil Service Commission and the Department of Justice trying to find out why no action has been taken. No satisfactory answer has been forthcoming.

Under the so-called compromise bill, we still allow partisan elections. We still have a provision there exempting the Federal employee from the application of the Hatch Act. Nothing, I repeat, nothing has been compromised except the entire civil service.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I am happy to yield to the gentleman.

Mr. McCLORY. I think the point the gentleman is making is extremely important insofar as the corrupt practices law is concerned. It seems to indicate that some supplemental legislation might be necessary in order to provide for the situation that the gentleman refers to.

But the inquiry I have is more with regard to the subject of partisan and nonpartisan elections. In the city of Chicago, we have nonpartisan elections. But that does not prevent people from knowing in every instance what party the aldermen belong to. I think in many respects it adversely affects my party, the Republican Party. I would think an opportunity for partisan elections in the District of Columbia might give the Republican Party an opportunity to organize a little better at the precinct and at the local level and so build up our party strength which would be virtually impossible under a nonpartisan election system.

I know in my own State of Illinois, we have elected township officials for many years on a nonpartisan basis. While we did that we were able to elect a great many Republicans. But recently we have gone to the partisan type of election and as a result the Democrats in my area have organized strongly at the local level and they are gaining strength because we have discarded the nonpartisan type of election and invoked the partisan election idea.

So I think this is a double-edged sword. I think it is a question which can be presented either way. I note that the Republican District chairman of the District of Columbia is supporting this legislation and I would imagine he would have in mind the aspects of partisanship at the local level. I did want to bring out that point and call it to the gentleman's attention.

Mr. NELSEN. I thank the gentleman, for his contribution.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. CEDERBERG. I think one of the great tragedies that could take place would be to have partisan elections in the Nation's Capital. We have the headquarters here of both political parties. I do not care what the political complexion of the District of Columbia might be in one way or the other. But I think it would be most tragic to have partisan elections in the Nation's Capital. We sit here as partisans in the governing body in the Congress of the United States. We are very apt to be in session when such partisan elections may be taking place in the District of Columbia. Some Members of the House of Representatives might be called on to take part in these elections by attending partisan meetings, and so forth. I think that is the most tragic thing that could happen regardless of what the political complexion of the District of Columbia would be. As I say, it would be a most tragic thing to have partisan elections here.

I am ready to support a home rule bill if this change can be made, but as long as partisan elections are going to be held, I cannot support a home rule bill.

I served as mayor of my city—a city of about 60,000 people—in a nonpartisan election. Everyone knew I was a Republican. I realized that. I think what the gentleman from Illinois is saying is correct, but that misses the point. The point is that to make a partisan political jungle out of the District of Columbia would be something that we in this Congress would live long, in my opinion, to regret.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. Ninety Members are present, not a quorum.

The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 331]

Anderson, Ill.	Frelinghuysen	Murray
Andrews, George W.	Goodell	O'Hara, Ill.
Aspinall	Halleck	Powell
Baring	Hanna	Reinecke
Bolton	Hébert	Roncalio
Bonner	Holifield	Scott
Clawson, Del	Hosmer	Steed
Colmer	Johnson, Okla.	Thomas
Edwards, Calif.	Jones, Ala.	Thompson, Tex.
Everett	Kee	Toll
Evins, Tenn.	Landrum	Willis
Farnum	McCarthy	Wilson, Charles H.
Fogarty	McEwen	Wright
	Morrison	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 4644, and finding itself without a quorum, he had directed the roll to be called, when 391 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The distinguished gentleman from Minnesota [Mr. NELSEN] has 5 minutes remaining. The gentleman is recognized.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. WHITENER. The gentleman from Minnesota was discussing, before the quorum call, the Hatch Act situation. I know this is consistent with the apprehension that the gentleman expressed during our hearings before the subcommittee. I think it may be well to point out that at that time when the gentleman from Maryland [Mr. SICKLES] was testifying, we had a report from the trial division of the United States Civil Service Commission in which it was stated that although exceptions from certain restrictions in the Hatch Act had been granted in a number of jurisdictions where the percentage of Federal Government employees among the electorate justified such concession, in every instance, so the trial counsel office told us, those exemptions have permitted Government employees to participate in elections held only on a nonpartisan basis and that there was never a case where exemptions had been given in partisan elections. Is that not correct?

Mr. NELSEN. That is exactly right.

Mr. WHITENER. May I ask the gentleman another question. I know the gentleman is thoroughly familiar

with the various legislative proposals that have been made on this subject. Is there anything in any of these bills that provides guidelines for the running of elections and particularly the avoiding of corrupt practices in elections?

Mr. NELSEN. There are none that I know of. My information is that what you allude to is not covered in the bill.

Mr. QUIE. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman.

Mr. QUIE. I want to commend the gentleman from Minnesota for making an excellent statement and for pointing out that in the State of Minnesota since 1913, we have had nonpartisan elections in all the municipalities, and this has worked well. I just wanted to point out in the bill it is recognized it would be unwise for the Councilmen or the Mayor to be running at the same time there was a national election for President. The new bill, the new compromise bill, now provides that the Mayor and Councilmen would not be running in the year that the President was running. But there is one shortcoming about this compromise in that all of the Councilmen would be up for reelection in the same year, once every 4 years. If the same thing happened in the District of Columbia as happened not too long ago in Montgomery County, you could have a complete change in the entire Council in one election. This is not very wise. When we write a home rule bill, we ought to take into consideration any eventuality and this would lead to unstable government if it happened. However, we could have staggered elections and have nonpartisan elections and have a complete separation from the issues that confront us on a national basis and have a much better municipal government thereby. So I commend the gentleman from Minnesota for pointing out this situation very clearly. I would point out it is no answer to exempt Federal employees from the Hatch Act if we do have nonpartisan elections. This then would be left to the Chairman of the Civil Service Commission as the gentleman has well pointed out.

Mr. NELSEN. I thank the gentleman for his contribution.

Mr. Chairman, I would like to point out that under existing law, the Civil Service Commission has the authority to grant certain exemptions so that Federal employees may engage in nonpartisan elections. Those exemptions have been granted in Alexandria, Arlington, Montgomery County and other surrounding Washington metropolitan areas where there is a heavy percentage of Federal employees. The premise being that a nonpartisan office would not be tied in with partisan political activities and therefore would not jeopardize the impartiality and objectivity of the civil servant.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from New York.

Mr. HORTON. I wish to try to correct something that might be misunderstood. I think the gentleman said that the civil service permitted participation in nonpartisan elections. I do not believe that that statement is quite accurate.

Mr. NELSEN. Under certain circumstances, I said.

Mr. HORTON. Is the gentleman aware of section 18 of the so-called Hatch Act, which is section 118(n) of title 5 United States Code, which provides that in the event there is a nonpartisan election there is no Hatch Act exemption?

Mr. NELSEN. Mr. Chairman, under this bill the Congress of the United States is allowing Federal employees to participate in partisan elections. This is most extraordinary and has no precedent. I wish to point out that the Civil Service Commission at this time has discretionary authority, where there is a heavy population of Federal employees, to permit Federal employee participation in nonpartisan elections. And the Commission has repeatedly done so. The Civil Service Commission likewise has the right to withdraw that permission if it has been abused. Under this bill, the Congress itself de-Hatches the Federal employees, permitting activities in partisan elections; the Civil Service Commission would be precluded from re-Hatching in an emergency situation. The Congress itself would have to act.

There is a case that has been before a U.S. district court, an action brought by several Federal employees, to allow Federal employees to engage in partisan elections. The brief supplied by the Department of Justice supported the Civil Service Commission's refusal to allow active participation of employees of the Federal Government in a partisan election. In support of the Commission's ruling, the Justice Department's brief stated in part:

To permit only nonpartisan local political activity, one need only consider the problems at which the Hatch Act was aimed and the realities of party politics as currently practiced in the United States. Party politics are not conducted in separately sealed compartments neatly labelled "local," "State," and "National." Political organizations grow from the grassroots in the precincts to the great quadrennial nominating conventions. The integrated nature of party organization is most strikingly reflected right in the name of the plaintiff political association: the "Democratic State Central Committee for Montgomery County, Md." Party workers are constantly exhorted and continuously tempted to join in putting over their party's ticket at every level of government. From the candidates' teas before the primaries to the poll watchers' coffee, on election day, the politics of community, State and Nation are inextricably linked. Local politics are the ladder which our national leaders must climb. This is both a political and an economic necessity of the party system, as any American who has ever answered a political canvasser's knock at his door can testify. Were it otherwise plaintiffs would not be here, for they could easily organize an independent "Democratic" or "Republican" party whose interest stopped at the county line.

It is the integrated aspect of party politics which poses the great danger and the great temptation to the integrity of the government worker. First, there is the possibility that the national political party controlling the Federal Government—be it Democrat, Republican, Whig, or Federalist—might coerce Federal employees to work for that party and its local affiliates. Such things are not unknown in American history. By barring any partisan political activity, the Commission protects the Federal employees from this possibility while providing his community with a method by which he may participate in its affairs.

Second, career civil servants must serve with equal devotion successive department heads with different views and political affiliations. If a Federal employee campaigned, even at the local level, for one national party, it could inhibit his best efforts for an administration controlled by another party, thus harming the efficiency of the executive civil service. Such a danger is avoided by a clean and clear restriction to local, nonpartisan activity, independent of any National and State affiliation.

Third, the Civil Service as an institution could be completely demoralized by the specter of politically linked advancement—assignment or promotion directly or indirectly influenced by support of the department head's political party. But the Commission's retention of section 9's ban on partisan politics reinforces the statute's prohibition of such conduct by making it impossible for any employee to render such support.

Mr. WHITENER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from North Carolina.

Mr. WHITENER. Is not the statement which the gentleman is reading a part of a brief filed by the Justice Department of the United States in a case in the State of Maryland, in which case the Justice Department was trying to prevent participation by civil servants of the Federal Government?

Mr. NELSEN. That is exactly correct. I have a copy of the entire brief before me, which I will include in the RECORD at this point:

(U.S. District Court for the District of Maryland, Civil Action No. 16460, memorandum in support of the defendants' motion to dismiss or in the alternative for summary judgment)

DEMOCRATIC STATE CENTRAL COMMITTEE FOR MONTGOMERY COUNTY, MD., 26 EAST MONTGOMERY AVENUE, ROCKVILLE MD., GEORGE NORMAN, 3215 EMORY CHURCH ROAD, OLNEY, MD., LEVON A. TERRIAN, 4212 GLEN ROSE STREET, KENSINGTON, MD.; H. ROBERT BORDEN, SR., 12517 VALLEYWOOD DRIVE, SILVER SPRING, MD.; WILLIAM R. THOMAS III, 4710 ALBEMARLE AVENUE, GARRETT PARK, MD., PLAINTIFFS *v.* LUDWIG J. ANDOLSEK AND ROBERT E. HAMPTON, MEMBERS, AND JOHN W. MACY, JR., CHAIRMAN, U.S. CIVIL SERVICE COMMISSION, 1900 E STREET, NW., WASHINGTON, D.C., 20415, DEFENDANTS.

STATEMENT OF THE CASE

This is a suit for a declaratory judgment and an injunction attacking the regulations of the Civil Service Commission which grant Montgomery County, Maryland a limited exemption from the prohibitions against political activities by federal employees set forth in Section 9 of the Hatch Act (5 U.S.C. 1181). Defendants are the Civil Service Commissioners. Plaintiffs are the Democratic State Central Committee for Montgomery County; and four individuals employed by the Executive Branch of the Federal Government who reside in Montgomery County and who desire to run for County office as Democrats or to campaign on behalf of a Democratic candidate for such an office. They allege that the Commission's refusal to grant them a hearing on their proposal to modify the exemption, so as to permit them to engage in partisan political activities, was an arbitrary abuse of discretion. They further allege that omission of authority for partisan political activities from the exemption renders it invalid under the Section 16 (5 U.S.C. 118m)

of the Act; and, alternatively, if it is valid, that Section 16 is unconstitutional under the First, Fifth and Ninth Amendments. Plaintiffs have moved for summary judgment. Defendants have moved to dismiss and in the alternative have cross-moved for summary judgment.

FACTS

A. The Hatch Act

Section 9 of the Hatch Act (53 Stat. 1148, as amended, 5 U.S.C. 118i) prohibits officers and employees in the Executive Branch of the Federal Government from "taking any active part in political management or in political campaigns." Under section 16 of the Act, however (54 Stat. 767, 5 U.S.C. 118m), the Civil Service Commission may promulgate regulations which permit Federal employees residing in communities around the National Capital to take an active part in political management or political campaigns involving their municipalities or political subdivisions "to the extent the Commission deems to be in the domestic interests of such persons."

The Commission has exercised its authority under the provisions of section 16 by granting a limited exemption to many political subdivisions in Maryland and Virginia counties near Washington, D.C. 5 C.F.R. 733.301. However, the Commission has uniformly, and without exception, restricted this exemption to independent, non-partisan activities of a purely local nature. Its exemption provides that: "an employee shall not * * * engage in non-local partisan political activities"; that employees may not run as a candidate for a political party or become involved in political management in connection with the campaign of a party candidate; and that an employee who is a candidate for local elective office shall run as an independent. 5 C.F.R. 733.301(a).

B. Montgomery County's Exemption

Montgomery County, Maryland, had not been included among the political divisions which were exempted from section 9. On May 5, 1964, the Commission considered two requests by different groups of citizens that Federal employees residing in Montgomery County be exempted (Exhibit B, p. 29, not printed in RECORD). The first request called for an exemption which would have permitted residents of Montgomery County to participate in county elections as partisan candidates. The second request would have permitted participation in local elections at the county level but only on a non-partisan basis. The Commission held that its regulations permitted participation on a non-partisan basis only.[1] It therefore denied the first request and granted the second. The exemption granted to Federal employees residing in Montgomery County was thus on the same terms and conditions that the Commission has uniformly applied to all other communities which have been granted exemptions.

C. Plaintiffs' Petition for Modification of the Exemption

On March 2, 1965, the plaintiffs petitioned the Civil Service Commission to hold a public rulemaking hearing, so that the plaintiffs and other interested persons could attempt to persuade the Commission to amend Rule 733.301(a), so as to allow federal employees who are exempted pursuant to Section 16 of the Hatch Act to run for local political office as party candidates or to campaign for party candidates on the local level (Exhibit A, p. 3–4 (not printed in RECORD)). This petition was accompanied by a brief and appendices A–L (Exhibit A, pp. 17–71 (not printed in RECORD)).

[1] The term "non-partisan" refers to local political activities which are completely independent of national or State political parties. (Exhibit B, p. 29 (not printed in RECORD).)

The individual plaintiffs were stated to be members of the Democratic Party. (Exhibit A, p. 5 (not printed in RECORD).) Plaintiff George Norman alleged that he intends to file in the 1966 Democratic primary election to secure that party's nomination as a candidate for the Montgomery County Council. (Exhibit A, p. 5 (not printed in RECORD).) The remaining individual plaintiffs alleged an intent to campaign actively and publicly in support of Democratic Party candidates. (Exhibit A, pp. 5–6 (not printed in RECORD).)

On March 22, 1965, the plaintiffs submitted a supplemental petition with appendices M–R (Exhibit A, pp. 72–91 (not printed in RECORD)) followed by appendix S on April 1, 1965. (Exhibit A, pp. 92–93 (not printed in RECORD).) On April 8, 1965, the plaintiffs were notified that their petition for a public rulemaking proceeding was denied. In a letter to plaintiffs' counsel the Chairman of the Commission explained:

"In the interest of preserving and strengthening the career service, the Commission has, in granting privileges under Section 16 of the Hatch Act, consistently held to the principle that federal officers and employees may be candidates for local elective office in a partisan election but must run as independent candidates. From the very beginning of the civil service system partisan political activity has been prohibited because a question would arise as to whether those participating in such activity were discharging their duties in an impartial and objective manner independent of partisanship. The Commission's present regulations conform with the essential policy of the Hatch Act that employees in the executive branch should refrain from active participation in political activity involving national political parties. Therefore, your request for Amendment of Commission Rule and for Declaratory Order Granting Exemption Thereunder is denied.

"It is felt that any fundamental change in longstanding policy adhering to statutory authority would more appropriately be considered by the legislature. On March 10, 1965, Senator BREWSTER of Maryland filed a bill (S. 1474) 'To create a bipartisan commission to study federal laws limiting political activity by officers and employees of the Government.' The Commission favors such legislation as the proper procedure if changes are desired in the prohibition of the Hatch Act" (Exhibit A, p. 95 (not printed in RECORD)).

The plaintiffs filed a petition for reconsideration on April 13, 1965 (Exhibit A, pp. 98–100 (not printed in the RECORD)) followed by a supplement with an appendix S (sic) on April 23, 1965 (Exhibit A, pp. 100–106 (not printed in RECORD)). The Commission denied the petition for reconsideration before the supplemental material of April 23, 1965, was received (Exhibit A, pp. 105–107 (not printed in RECORD)); however, the Commission subsequently informed the plaintiffs that the supplemental material provided by the plaintiffs had been available to the Commission when the petition was being considered. (Exhibit A, p. 108 (not printed in RECORD).)

STATUTES AND REGULATIONS INVOLVED

Sections 9, 16, and 18 of the Hatch Act (53 Stat. 1148 as amended, 54 Stat. 757, 767, 5 U.S.C. 118i, 118m 118n) and the pertinent regulations of the Civil Service Commission 5 C.F.R. 733.301 (with 1965 Supp.) are set forth in the appendix to this brief.

ARGUMENT

I. Neither plaintiff political organization nor the individual plaintiffs have standing to maintain this action

A. The Individual Plaintiffs

But for the exemption set forth in the Committee's regulations (5 C.F.R. 733.301), the individual plaintiffs would be totally foreclosed from participating in any political activity by the express provisions in the second sentence of Section 9 of the Hatch Act, which provides:

"No officer or employee in the executive branch of the Federal Government, or any agency or department thereof shall take any active part in political management or political campaigns."

Plaintiffs do not attack the constitutional validity of the foregoing prohibition, which was sustained by the Supreme Court in *United Public Workers* v. *Mitchell*, 330 U.S. 75. Yet they urge that unless the Commission's limited exemption from this prohibition is amended so as to permit them to engage in partisan political activity, the operation of the exemption in Montgomery County must be enjoined (Complaint, prayer (4)). Thus, they would in effect subject themselves or other employees in Montgomery County (including those who wish to engage in non-partisan political activities) to the total prohibition of Section 9. Their contention seems to be that they must be granted all or nothing. Under the decided cases, the individual plaintiffs have no more standing to attack the exemption than they would to attack the basic prohibition in Section 9.

The Supreme Court has ruled that federal employees in exactly the same position as the individual plaintiffs do not have standing to contest the validity of political activity restrictions applicable to them under the Hatch Act. *United Public Workers* v. *Mitchell, supra*. The Court's ruling is equally applicable to the individual plaintiffs in the instant case. It held (330 U.S. at 89–90):

"For adjudication of constitutional issues 'concrete legal issues, presented in actual cases, not abstractions,' are requisite. This is as true of declaratory judgments as any other field. These appellants seem clearly to seek advisory opinions upon broad claims of rights protected by the First, Fifth, Ninth and Tenth Amendments to the Constitution. As these appellants are classified employees, they have a right superior to the generality of citizens, compare *Fairchild* v. *Hughes*, 258 U.S. 126, but the facts of their personal interest in their civil rights, of the general threat of possible interference with those rights by the Civil Service Commission under its rules, if specified things are done by appellants, does not make a justiciable case or controversy. Appellants want to engage in 'political management and political campaigns,' to persuade others to follow appellants' views by discussion, speeches, articles and other acts reasonably designed to secure the selection of appellant's political choices. Such generality of objection is really an attack on the political expediency of the Hatch Act, not the presentation of legal issues. It is beyond the competence of courts to render such a decision. *Texas* v. *Interstate Commerce Commission*, 258 U.S. 158, 162.

"The power of courts, and ultimately of this Court, to pass upon the constitutionality of acts of Congress arises only when the interests of litigants require the use of this judicial authority for their protection against actual interference. A hypothetical threat is not enough. We can only speculate as to the kinds of political activity the appellants desire to engage in or as to the contents of their proposed public statements or the circumstances of their publication. It would not accord with judicial responsibility to adjudge, in a matter involving constitutionality, between the freedom of the individual and the requirements of public order except when definite rights appear upon the one side and definite prejudicial interferences upon the other. *United Public Workers* v. *Mitchell, supra*, at 89–90."

The plaintiffs seek to avoid the holding of Mitchell on the issue of standing in several

ways. First they contend that Mitchell is distinguishable from the instant case in that they are primarily attacking administrative regulations rather than the provisions of the Hatch Act itself. It is difficult to see what, if anything, this adds to plaintiffs' standing. The regulations do not require plaintiffs to do anything and, of themselves, they do not prohibit plaintiffs from doing anything. It is the prohibition of section 9, to the extent that it has not been waived by the Commission, which bars plaintiffs from partisan politicking. The regulations under section 16 simply allow them to do something—engage in local nonpartisan politics—which section 9 would otherwise forbid them from doing. Thus not only do plaintiffs lack standing because they have not engaged in the prohibited activities (*United Public Workers* v. *Mitchell, supra*) but also they lack it because the regulations do not injure them in any way. On the contrary, the regulations enlarge the range of their lawful political activities.

Plaintiffs attempted to escape the rationale of *United Public Workers* v. *Mitchell, supra,* by suggesting that its holding on standing was overruled in *Adler* v. *Board of Education,* 342 U.S. 485 (1952); and *Connecticut Insurance Company* v. *Moore,* 333 U.S. 541 (1947). But the Supreme Court does not overrule landmark cases *sub-silentio*. The majority opinion in neither of the two cases cited refers to *United Public Workers* v. *Mitchell*. Moreover, the Supreme Court has cited *United Public Workers* v. *Mitchell* for the proposition of standing in cases decided long after the decisions in which it was allegedly overruled. See *Longshoremen's Union* v. *Boyd,* 347 U.S. 222, 224; *Poe* v. *Ullman,* 367 U.S. 497, 501.

In *United Public Workers* v. *Mitchell, supra,* it was also pointed out that the disagreement between the individual employees and the Civil Service Commission was not ripe for judicial review. 330 U.S. at 91. Until the individual plaintiffs in this case take some action which results in a final, adverse decision of the Civil Service Commission, under its administrative procedures for investigating or reviewing violations (5 C.F.R. 733.601 through 733.710) there exists no controversy upon which this Court can render a decision.

Plaintiffs cite numerous cases which purport to show that the Commission's regulations are ripe for review. *American Trucking Assn.* v. *United States,* 344 U.S. 298 (1953); *American Tel. & Tel. Co.* v. *United States,* 299 U.S. 232; *Pacific States Box and Basket Co.* v. *White,* 296 U.S. 176 (1935). But in these cases the administrative regulations involved subjected the party attacking them to immediate criminal penalties or to civil fines. In each case it was clear that defendants would have to change the operation of their private business in order to comply.

In the instant case, plaintiffs are not subject to any criminal penalties, plaintiffs are not violating Section 9 of the Act; and plaintiffs' political intentions may or may not materialize in a manner which would constitute a violation.

Plaintiffs miss the mark in attempting to find standing under decisions construing the Federal Communications Act (*United States* v. *Storer Broadcasting Co.,* 351 U.S. 192; *F.C.C.* v. *American Broadcasting Co.,* 347 U.S. 284; *Columbia Broadcasting System* v. *United States,* 316 U.S. 407). The Communications Act provides for regulation of a private industry—radio broadcasting; and also provides a special method of statutory review for orders of the Commission (47 U.S.C. 402). Here, on the contrary, there is no statutory provision whatever for judicial review of regulations granting exemptions under the Hatch Act. Moreover, such regulations concern standards of conduct for executive employees and not standards for private industry or private persons generally.

The review provisions of the Administrative Procedure Act do not furnish any standing whatever to the individual plaintiffs. As already noted, the Hatch Act and administrative exceptions to its prohibitions relate solely to the conduct and tenure of Federal executive employees. The review provisions of the Administrative Procedure Act (5 U.S.C. 1009) are not applicable to the administration of the Federal Civil Service. *Cappolino* v. *Kelly,* 236 F. Supp. 955, aff'd per curiam, 339 F. 2d 1023 (C.A. 2, 1965); *Hofflund* v. *Seaton,* 265 F. 2d 363 (C.A.D.C.), cert. denied, 361 U.S. 837. Indeed, the Act expressly exempts matters relating to the selection and tenure of Federal employees (5 U.S.C. 1004). The decision of the Fourth Circuit in *McEachern* v. *United States,* 321 F. 2d 31 (C.A. 4, 1963), explains the basis upon which the Supreme Court reviewed the regulations relating to hearing examiners in *Ramspeck* v. *Trial Examiner's Conference,* 345 U.S. 128: namely, that examiners have special statutory status under that Act. Status accorded hearing examiners by the Administrative Procedure Act is not in issue here, and Ramspeck is thus inapplicable.

Finally, the Act does not confer standing to seek review of matters—such as whether or not to issue regulations—which are committed by law to agency discretion. The Act expressly excepts such matters from Section 10 (5 U.S.C. 1009). Thus the individual plaintiffs lack standing.

B. The Democratic State Central Committee for Montgomery County Lacks Standing

Since the individual plaintiffs, who are the Federal employees upon whom the prohibitions of the Hatch Act directly operate, have no standing, the Democratic State Central Committee for Montgomery County has no standing. It cannot appear in a representative capacity since the individuals who might be represented have no justiciable claim. And it cannot appear in its own right because its complaint does not show any injury to a legally protected right.

It is well established that allegation of a legally protected right is a constitutional predicate of standing to attack governmental action. *Joint Anti-Fascist Refugee Committee* v. *McGrath,* 341 U.S. 123, 140. *Pennsylvania Railroad Co.* v. *Dillon,* 335 F. 2d 292, 294 (C.A.D.C. 1964), cert. denied 379 U.S. 945. None is alleged here.

Section 9 of the Hatch Act does not impose any restriction whatever on the plantiff association not does it require it to take any form of action. It does not deny to the committee the political support of Federal employees, if they desire to grant it, through membership votes or through lawfully solicited contributions. The association appears to recognize this, since it does not attack the validity of Section 9 of the Act. Instead, like the individual plaintiffs it attacks the Civil Service Commission's exemption which permits Federal employees to engage in nonpartisan local politics. Thus it would be satisfied if the total prohibition of section 9 remained in effect. Its real complaint is that it may face competition from an independent local group on whose behalf Federal employees may campaign or run for office. Unquestionably, the sole basis for its complaint is the political campaign which the Democratic Central Committee fears will be advanced by independent candidates for local office. It sets forth no other interest or injury.

However, neither Section 9 of the Hatch Act nor the Civil Service's exemption under Section 16 undertake to regulate the Committee in any way. It has not been compelled to abandon any of its activities or deprive of any legally protected interest which it possessed prior to the Commission's exemption of Montgomery County from the Hatch Act. It has not been subject to any obligation or duty or disadvantage which might give it legal standing under any relevant statute, including the Administrative Procedure Act. *Kansas City Power and Light Co.* v. *McKay,* 225 F. 2d 924 (C.A.D.C. 1955), *cert. denied* 350 U.S. 884. It has long been recognized that freedom from economic competition is not a legally protected interest. *Pennsylvania Railroad Company* v. *Dillon, supra*. The same considerations necessarily extend to the possibility of future political competition, for political competition is the very essence of our democracy.

The plaintiff association nevertheless contends that if it must face competition from non-partisan groups for which federal employees may actively campaign, the same class of persons should be permitted to campaign for it. But this is an argument directed to the wisdom of the policy underlying the Hatch Act—a policy of non-partisanship for federal workers—and not a claim of legal right. It has no legally enforceable right to the potential campaign support of any group and certainly not of government workers. That was established in *United Public Workers* v. *Mitchell,* 330 U.S. 75. For in that case, the Supreme Court held in effect, that partisan political parties could be denied the active campaign support of government workers. That holding demonstrates that there is no legal right in the Committee upon which it can claim standing to attack the Commission's decision to limit political activity of government workers to independent, non-partisan groups.

Like the individual plaintiffs, the association purports to base its standing upon the contention that it is adversely affected or aggrieved within the meaning of Section 10(a) of the Administrative Procedure Act (5 U.S.C. 1009(a)). But the same considerations which foreclose the individual plaintiffs from relying upon the Act apply to the association.

II. The Commission's decisions not to modify its regulations is committed by law to its unreviewable discretion

A. There is No Judicial Review of Civil Service Actions of the Nature Involved in This Case

1. No judicial review of Civil Service Commission denial of a petition for a public rule making hearing

The plaintiffs seek a declaratory judgment that defendants acted arbitrarily and abused their discretion by denying plaintiffs' petition for a public rule making hearing. (Plaintiffs' Complaint, p. 10, first prayer for relief.) Section 4(d) of the APA, 5 U.S.C. 1003(d) provides: "Every agency shall accord any interested person the right to petition for the issuance, amendment, or repeal of a rule."

But the Act does not require that a petition be granted nor is action under § 4(d) reviewable. According to the Attorney General's Manual on the Administrative Procedure Act, 39 (1947), "neither the denial of a petition under section 4(d), nor an agency's refusal to hold public rule making proceedings thereon, is subject to judicial review." Citing Sen. Rep. #752, page 44 (79th Cong., First Session).[2] And as plaintiffs concede (Brief, p. 18), there is no constitutional right to a hearing as a condition precedent to issuance of a rule. *Willapoint Oysters* v. *Ewing,* 174 F. 2d 676 (C.A. 9, 1949) *cert. denied* 338 U.S. 60. Section 4(d) of the APA

[2] The Attorney General had interpreted sec. 4(d) in the same manner when asked to comment on the APA prior to its enactment by the chairman of the Senate Judiciary Committee, Senator Pat McCarran. "Administrative Procedure Act, Legislative History," S. Doc. No. 248, p. 226 (79th Cong., 2d sess.).

requires only that the agency receive petitions and consider them—nothing more.[3] In this case the plaintiffs submitted a petition which was considered and denied (Exhibit A, p. 95, not printed in RECORD). The plaintiffs' petition for reconsideration was also considered and denied with the reasons transmitted to the plaintiffs' attorneys by letter (Exhibit A, pp. 106, 107, not printed in RECORD). The plaintiffs have received every consideration intended under section 4(d) and have no procedural grounds for complaint. The legislative history coupled with the Attorney General's contemporaneous construction of section 4(d) demonstrate that there is no judicial review of an agency's decision to deny a petition for modification of a regulation.

The plaintiffs have failed to cite any authority whatever to support the availability of judicial review of an agency decision to deny a petition which it has received and considered.

The same principles apply to plaintiffs' petition for a declaratory order, as shown by *M. J. Dilliner Transfer Company* v. *McAndrew*, 226 F. Supp. 850, 864 (D.C. W.D. Pa., 1963), aff'd 328 F. 2d 601 (3rd Cir. 1964):

"Neither does the Commission's denial of plaintiff's attempts to secure a declaratory order entitle plaintiff to a judicial review. A court does not have jurisdiction to review an agency's denial of a declaratory order which denial is discretionary with the agency. Title 5 U.S.C.A. §§ 1004(d) and 1009. *Continental Oil Company* v. *Federal Power Commission*, 285 F. 2d 527 (5th Cir. 1961). The Commission's discretionary refusal of declaratory relief does not require plaintiff to do or refrain from doing anything, fix any liability or responsibility, civil or criminal, upon plaintiff, or finally determine its rights or obligations. *United Gas Pipe Line Co.* v. *Federal Power Commission*, 203 F. 2d 78 (5th Cir. 1953); *Motor Freight Express* v. *United States*, 60 F. Supp. 238 (statutory court E.D. Pa. 1945)."

Accordingly, the first prayer for relief in the plaintiffs' complaint should be dismissed.[4] Cf. *Schilling* v. *Rogers*, 363 U.S. 666 (1959).

Apart from the fact that section 4(d) precludes review of the denial of the plaintiffs' petition it is clear that the regulations referred to in plaintiffs' petition are within the exception to section 4, "any matter relating to agency management or personnel * * *." The Attorney General's Manual concludes that the exception applies to the internal management of the Government rather than merely to the affairs of one agency. Attorney General's Manual on the Administrative Procedure Act, 27 (1947). As noted by the Senate Judiciary Committee, the agencies are given a complete discretion "to decide what, if any, public rule making procedures they will adopt in a given [excepted] situation * * *." Senate Document #248, supra, at 199.

Thus, section 4(d) of the APA appears to be inapplicable to agency regulations governing the political activities of Federal employees. For this reason and the lack of judicial review of agency decisions made under section 4(d) the plaintiffs' request for a declaratory judgment concerning the denial of plaintiffs' petition should be dismissed.

2. Judicial review of Civil Service Commission's regulations adopted pursuant to section 16 of the Hatch Act is not available or appropriate

Section 16 of the Hatch Act provides that the Civil Service Commission may allow Federal employees to participate in local partisan politics "to the extent the Commission deems to be in the domestic interest of such persons." 5 U.S.C. § 118m. Since the Hatch Act does not provide for judicial review of any regulations adopted by the Civil Service Commission there is no basis for review.

Section 10 of the APA provides for judicial review of agency action "except so far as * * * agency action is by law committed to agency discretion." A reading of section 16 of the Hatch Act indicates that Congress intended that the extent of the political activity to be engaged in by federal employees was committed to the discretion of the Civil Service Commission. This interpretation of section 16 is strengthened by the fact that section 12 of the Hatch Act enacted at the same time does provide for judicial review of Commission actions taken under that section. 54 Stat. 767, 5 U.S.C. 3118(k)(c). In *Stark* v. *Wickard*, 321 U.S. 288 (1944), the Supreme Court in allowing judicial review of certain agency orders observed that "even where a complainant possesses a claim to executive action beneficial to him, created by federal statute, it does not necessarily follow that actions of administrative officials, * * * are cognizable in appropriate federal courts of first instance * * *. To reach the dignity of a legal right in the strict sense, it must appear from the nature and character of the legislation that Congress intended to create a statutory privilege protected by judicial remedies." *Stark* v. *Wickard, supra*, at 306.

Section 9 of the Hatch Act bars any participation by federal employees in partisan politics. 5 U.S.C. 3118i. Section 16 authorizes the Commission to alleviate the blanket prohibition on partisan politics in instances where and to the extent that the Commission deems appropriate. Since this is a matter "by law committed to agency discretion" it is expressly excluded from judicial review by the Administrative Procedure Act. 5 U.S.C. 1009. See *Arrow Transportation Co.* v. *Southern Ry. Co.*, 372 U.S. 658 (1963) and *Schilling* v. *Rogers, Attorney General*, 363 U.S. 666, 677 (1960), where the Court denied judicial review of matters committed to agency or executive discretion.

III. The individual plaintiffs are not entitled to injunctive relief because they have not exhausted their administrative remedies and have an adequate remedy at law

Civil Service Regulations provide two procedures for alleged violations of the Hatch Act. Violations by employees in the competitive service are investigated by the Commission. Investigation may result in closing of the case or written charges to the employee which he may answer in writing. The case may then be closed or a hearing may be conducted. The Commission makes the final decision. (5 C.F.R. 733.601–733.608.) Violations by employees in the excepted service are investigated by the agency which, on written charges and answer, makes the final decision. The employee may appeal to the Commission, which, after a hearing, makes the final decision on the appeal and notifies the agency. (5 C.F.R. 733.701–733.710.)

Should the Civil Service Commission determine that the individual plaintiffs had violated the Hatch Act after according them the administrative procedures provided in 5 C.F.R. 733.601, et seq., and 5 C.F.R. 733.701, they could file an action in this Court pursuant to 28 U.S.C. 1361 and 1391(e) against the individual Civil Service Commissioners for reinstatement and against the United States (28 U.S.C. 1346(a)) for back pay where in the issues prematurely raised in this action could be litigated. *Brown* v. *Macy*, 222 F. Supp. 639 (E.D. La., 1963), aff'd 340 F. 2d 115 (C.A. 5, 1965). Consequently, the individual plaintiffs have elaborate administrative remedies; have an adequate remedy at law; cannot make a showing of irreparable injury upon which to support their prayer for injunctive relief; and pending exhaustion of administrative remedies, they are incapable of showing any injury whatsoever. Cf. *May* v. *Glore*, 132 F. Supp. 327 (E.D. N.Y., 1955).

IV. The exemption from section 9 contained in the Civil Service Commission's regulations is valid in every respect

A. The Exemption Complies With the Requirements of Section 16 of the Hatch Act

Plaintiffs contend that the exemption for Montgomery County set forth in 5 C.F.R. 733.301 (Supp. 1964) violates section 16 of the Hatch Act (5 U.S.C. 118m) because, in their view, section 16 does not permit any distinction between partisan and nonpartisan political activity at the local level. They attempt to support this interpretation on three grounds: 1) that the Commission's regulations allegedly permit federal employees "to interfere" with local elections; 2) that the legislative history of section 16 supports their interpretation; and 3) that when construed in the light of section 18 of the Act (5 U.S.C. 118n), section 16 must be read to permit partisan political activity. In addition, they contend that the Commission violated section 16 by failing to make findings allegedly required by the statute. None of these contentions has the slightest support.

1. The Commission's regulations do not authorize the kind of "interference" with elections prohibited by section 9 of the act

Section 16 of the Act authorizes the Commission to grant exemptions, as it deems appropriate, from so much of section 9 as forbids federal employees to engage in political management or political campaigns—i.e., from the prohibitions in the second sentence of section 9. No exemption authority is provided with respect to the first sentence of section 9, which declares (5 U.S.C. 118i):

"It shall be unlawful for any person employed in the executive branch of the Federal Government *to use his official authority or influence* for the purpose of interfering with an election or affecting the result thereof."

Nothing in the Commission's exemption permitting nonpartisan, local political activity permits any employee—Democrat, Republican, or Independent—to "use his official authority or influence" in connection with participation in local politics. Plaintiffs' argument (Brief, p. 8) that the regulations have this effect is a misreading of both the statute and the regulations. Their contention simply ignores the key words in the first sentence which show that the un-

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[3] Both Senate and House of Representative Judiciary Committees agreed that sec. 4(d) of the APA was intended to insure that interested persons had access to the administrative agencies. The reports of these committees make it clear that an agency must receive petitions and give them a bona fide consideration. However, it is equally clear that the agency is under no obligation "to grant a petition, or to hold a hearing, or engage in any other public rulemaking proceedings. The refusal of an agency to grant the petition or to hold rulemaking proceedings, therefore, would not per se be subject to judicial reversal." S. Rept. No. 752 contained in S. Doc. No. 248: Administrative Procedure Act, Legislative History, 201 (prepared by Senator McCarran, 79th Cong., 2d sess., U.S. Printing Office, 1946). For the House Judiciary report see H. Rept. No. 1980 contained in S. Doc. No. 248, supra, at 260.

[4] The lack of judicial review concerning an agency refusal to issue a declaratory order under sec. 5(d) of the APA is readily apparent. Both the Senate and House Judiciary Committees agreed that "agencies are not required to issue declaratory orders merely because request is made therefor." S. Doc. No. 248, supra, at 204, 263. Furthermore, matters involving the selection or tenure of Federal officers or employees are excluded from the provisions of sec. 5 so that a declaratory order would not be appropriate. APA § 5(a). For this reason sec. 5(d) need not be considered any further.

lawful conduct referred to is the use of federal office for political purposes. This argument is as unsupported as it is inaccurate.

2. The legislative history does not support plaintiffs' interpretation of section 16

Section 16 of the Hatch Act was born in an amendment introduced from the floor of the Senate by Senator BYRD of Virginia after consultation with Senator Hatch, during the 1940 debates on extension of the Act. Senator Hatch stated, in support of the amendment: "Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power which it had and which it exercised before the passage of the [original] Act last year, I thought it was wise to give general authority to meet local or domestic situations." (86 CONGRESSIONAL RECORD 2977.)

Senator Hatch was referring to authority which the Civil Service Commission had exercised prior to the Hatch Act, to waive the provisions of Civil Service Rule I, which prohibited employees in the competitive civil service from participating in political management or political campaigns. This principle had been established by President Theodore Roosevelt in Executive Order No. 642 of June 3, 1907 (exhibit B, p. 1, not printed in the RECORD), from which Civil Service Rule I was derived. By subsequent Executive Orders issued by Presidents Taft, Wilson, Coolidge and Hoover, the waiver was extended to various communities in Maryland and Virginia near the National Capital. All such waivers, however, incorporated a prohibition against participation in general partisan politics (see Ex. Orders 1472, 1930, 4048, 5627 (exhibit B, pp. 3–7, not printed in the RECORD)).

In Executive Order No. 4048 of July 12, 1927, the President granted to the Civil Service Commission authority to extend the waiver to other incorporated municipalities, subject to the prohibition against partisan politics.

When the Hatch Act was passed in 1939, however, these executive orders and the authority of the Commission were, in effect, overruled by the flat prohibition in the second sentence of section 9. As Senator Hatch indicated, the purpose of section 16 was to correct this situation and to restore to Federal civil servants residing in the Capital area their pre-1939 privilege of participating in non-partisan local politics. Significantly, two amendments which would have permitted Federal employees to participate in local politics on a partisan basis were defeated in the House at the time that the 1940 additions to the act were under consideration. (86 CONGRESSIONAL RECORD 9460. 9462.)

Immediately after the passage of section 16, the Commission adopted regulations implementing it. Those regulations incorporated the principle which had prevailed before the Hatch Act: Participation in local politics by Federal employees had to be nonpartisan (Exhibit B, p. 10, not printed in the RECORD). This principle, restated in 1943 in the Commission's pamphlet on political activities (Exhibit B, p. 14, 18, not printed in the RECORD), and never departed from, is now embodied in the regulations currently under attack.

The correctness of the Commission's interpretation of the statute is thus supported by the purpose of section 16 to restore the pre-1939 practice, by the history of that practice, and by the Commission's uniform and unmodified application of the non-partisan requirement in all instances. Indeed, the Commission's contemporaneous construction of the statute, which has never been effectively modified by the Congress, is an independent ground for sustaining the Commission's interpretation, as embodied in its regulations. *Udall* v. *Tallman*, 380 U.S. 1, 16; *Power Reactor Co.* v. *Electricians*, 367 U.S. 396, 408; *Norwegian Nitrogen Co.* v. *United States*, 288 U.S. 294, 315.

Plaintiffs attempt to support their view with certain remarks made by Senator BYRD during debate in a later Congress on H.R. 1243, 81st Cong., 1st Sess., which would have permitted partisan political activity at the local level. The bill passed both houses but was vetoed by President Truman on the grounds, inter alia, that in states where local branches are required to support the state and national tickets, i.e., party plan states, the principles of the Hatch Act would be violated. 96 CONGRESSIONAL RECORD 9604. Congress did not override the President's veto.

This "legislative history" can hardly serve as evidence of the meaning of section 16. As the Supreme Court recently held in a similar situation involving a veto of an alleged "clarifying amendment," "the abortive action of the subsequent Congress would not supplant the contemporaneous intent of the Congress which enacted the * * * Act." *Waterman S.S. Corp.* v. *United States*, 381 U.S. 252, 269 (citing *Fogarty* v. *United States*, 340 U.S. 8, 14; *United States* v. *Wise*, 370 U.S. 405, 411). Obviously, "the views of a subsequent Congress form a hazardous basis for inferring the intent of an earlier one." *United States* v. *Price*, 361 U.S. 304, 313; *United States* v. *Philadelphia Bank*, 374 U.S. 321, 348–349.

3. Section 18 of the Hatch Act does not support plaintiffs' construction of section 16

Plaintiffs attempt to show that section 16 must require that exemptions authorize partisan politicking because, as they read it, section 18 is the exclusive exemption for nonpartisan activity (Brief. pp. 9–10). But the plain language of section 18 (set forth in the Appendix hereto) shows that it is limited to situations in which none of the candidates or issues are identified with national or state parties. Thus section 18, of itself, would not authorize any form of political activity by government workers in any local election in which national or state parties fielded candidates. That is why section 16 was enacted: to give the Commission authority "to the extent the Commission deems it to be in the domestic interest of such persons" (5 U.S.C. 118m) to allow federal employees to participate in such elections. There is nothing in the language of either section 16 or section 18 which manifests an intent to prohibit the Commission from continuing the policy of non-partisanship by government workers which had been pursued without deviation since the days of President Theodore Roosevelt.

4. Section 16 does not require any formal findings or determination by the Civil Service Commission

Neither section 16 nor any other provision of the Hatch Act requires that the Commission make any formal findings in support of its determination that an exemption under section 16 is in the domestic interest of government workers in a particular community. The rule making provisions in section 4 of the Administrative Procedure Act (5 U.S.C. 1003) do not apply because Civil Service regulations are expressly excepted by that section as a matter relating to agency personnel. Yet even under that Act, which is a codification of decisions on administrative procedure, there is no requirement that regulations be accompanied by findings unless the substantive statute involved requires such findings. Section 8(b) of the APA (5 U.S.C. 1007(b)), which sets forth a requirement for administrative findings, applies only "where rules are required by a statute to be made on the record after opportunity for any agency hearing." § 4(b) of APA, 5 U.S.C. 1003(b). There is no such requirement in the Hatch Act or any other relevant statute.

Plaintiffs correctly concede (Brief, p. 18) that there is no constitutional requirement that rules be accompanied by findings, citing *Pacific States Box and Basket Co.* v. *White*, 296 U.S. 176, 185. Since their contention that the Commission should have made findings lacks both statutory and constitutional support, their argument collapses.

The cases cited by plaintiffs (Brief, p. 18) to show that findings should have been made either involved quasi-judicial proceedings resulting in an order affecting private rights, as in *Morgan* v. *United States*, 298 U.S. 498; or a proceeding required by statute to be conducted on a record which is subject to the requirements of sections 7 and 8 of the APA (5 U.S.C. 1006, 1007, as the Interstate Commerce Act proceeding involved in *Burlington Truck Lines* v. *United States*, 371 U.S. 156. Such cases are wholly inapposite here.

The plain fact is that the Commission made the requisite determination on the basis of two petitions before it which sought an exemption for Montgomery County. Its determination was aided by a careful memorandum from its General Counsel which reviewed the Commission's past practice and current regulations (Exhibit B, pp. 21–28). That plaintiffs prefer a different conclusion does not nullify the Commission's determination.

B. The Regulations Do Not Constitute An Unconstitutional Discrimination Against Plaintiffs

In *United Public Workers* v. *Mitchell*, *supra*, 330 U.S. at p. 99, the Supreme Court held: "Congress and the President are responsible for an efficient public service. If, in their judgment, efficiency may be best obtained by prohibiting active participation by classified employees in politics as party officers or workers, we see no constitutional objection.

"Another Congress may determine that, on the whole, limitations on active political management by federal personnel are unwise. The teaching of experience has evidently led Congress to enact the Hatch Act provisions. To declare that the present supposed evils of political activity are beyond the power of Congress to redress would leave the nation impotent to deal with what many sincere men believe is a material threat to the democratic system. Congress is not politically naive or regardless of public welfare or that of the employees. It leaves untouched full participation by employees in political decisions at the ballot box and forbids only the partisan activity of federal personnel deemed offensive to efficiency. With that limitation only, employees may make their contributions to public affairs or protect their own interests, as before the passage of the Act."

Thus the Court upheld the validity of complete restrictions on any political participation by executive employees. There, as here, it was claimed that the political rights claimed were being infringed in violation of the First, Fifth, Ninth, and Tenth Amendments. But since, as the Supreme Court has made clear, a complete prohibition of active political participation does not violate these constitutional rights of federal employees, a partial relaxation of this rule which preserves the basic principle of nonpartisanship does not violate them. The immunization of executive employees from partisan politics is a rational requirement which is more than justified by the vital public interest in the integrity of the career civil service.

To recognize the reasonableness of the Commission's decision to permit only nonpartisan local political activity, one need only consider the problems at which the Hatch Act was aimed and the realities of parties politics as currently practiced in the United States. Party politics are not conducted in separately sealed compartments

neatly labelled "local," "State," and "national." Political organizations grow from the grassroots in the precincts to the great quadrennial nominating conventions. The integrated nature of party organization is most strikingly reflected right in the name of the plaintiff political association: the "Democratic State Central Committee for Montgomery County, Md." Party workers are constantly exhorted and continuously tempted to join in putting over their party's ticket at every level of government. From the candidates' teas before the primaries to the poll watchers' coffee, on election day, the politics of community, State and Nation are inextricably linked. Local politics are the ladder which our national leaders must climb. This is both a political and an economic necessity of the party system, as any American who has ever answered a political canvasser's knock at his door can testify. Were it otherwise plaintiffs would not be here, for they could easily organize an independent "Democratic" or "Republican" party whose interest stopped at the county line.

It is the integrated aspect of party politics which poses the great danger and the great temptation to the integrity of the government worker. First, there is the possibility that the national political party controlling the Federal Government—be it Democrat, Republican, Whig, or Federalist—might coerce Federal employees to work for that party and its local affiliates. Such things are not unknown in American history. By barring any partisan political activity, the Commission protects the Federal employee from this possibility while providing his community with a method by which he may participate in its affairs.

Second, career civil servants must serve with equal devotion successive department heads with different views and political affiliations. If a federal employee campaigned, even at the local level, for one national party, it could inhibit his best efforts for an administration controlled by another party, thus harming the efficiency of the executive civil service. Such a danger is avoided by a clean and clear restriction to local, nonpartisan activity, independent of any national and state affiliation.

Third, the Civil Service as an institution could be completely demoralized by the spectre of politically-linked advancement—assignment or promotion directly or indirectly influenced by support of the department head's political party. But the Commission's retention of section 9's ban on partisan politics reenforces the statute's prohibition of such conduct by making it impossible for any employee to render such support.

Thus the classification between partisan and non-partisan local politics rests on a completely rational basis—a basis in which the federal employee, the executive civil service and the nation at large have a vital stake.

It may well be that there are valid competing interests represented by political groups such as plaintiffs', which would justify application of the Hatch Act on terms of all or nothing. But the needs of communities heavily populated by government workers also must be weighed, and into the balance must be thrown the values to the nation of a non-partisan career civil service. The balancing of these interests has been committed to the political branches of our government, and by them under section 16 of the Act, to the Commission. The latter's decision in favor of a continued non-partisanship represents a reasonable classification. That is all that the constitution requires. *Detroit Bank* v. *United States*, 317 U.S. 329, 337–338 (1943); *Sunshine Coal Co.* v. *Adkins*, 310 U.S. 381, 401 (1940); *Currin* v. *Wallace*, 306 U.S. 1, 14 (1939); *Steward Machine Co.* v. *Davis*, 301 U.S. 548, 584–585 (1937).

C. Section 16 of the Hatch Act is Not Unconstitutional

The arguments set forth above also demonstrate the constitutionality of section 16, under which the regulations under attack were issued. As the Supreme Court recently held in *Communist Party* v. *Control Board*, 367 U.S. 1, 97 (1961): "Especially where Congress, in seeking to reconcile competing and urgently demanding values within our social institutions, legislates not to prohibit individuals from organizing for the effectuation of ends found to be menacing to the very existence of those institutions, but only to prescribe the conditions under which such organization is permitted, the legislative determination must be respected. *United Public Workers* v. *Mitchell*, 330 U.S. 75."

These considerations, taken in the light of the decision in *United Public Workers* v. *Mitchell*, 330 U.S. 75, and the history, purpose and necessity for the Hatch Act, clearly demonstrate the constitutionality of section 16. Every President since William Howard Taft has concluded that government employees in the National Capital area should be permitted to participate in the politics of their local communities—but only on a non-partisan basis. Surely such an honored tradition is consistent with the Constitution. If the federal employee is to become a participant in partisan politics at any level, it is for Congress to make the decision.[5]

CONCLUSION

For the foregoing reasons defendants' motion to dismiss, or in the alternative, cross-motion for summary judgment should be granted.

Respectfully submitted.

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APPENDIX

1. The Hatch Act, 53 Stat. 1148, as amended July 19, 1940, 54 Stat. 767; 5 U.S.C. §§ 118i, 118m, and 118n (1950) provides in pertinent part as follows:

" § 118i. Executive employees; use of official authority political activity; penalties; reports to Congress:

"(a) It shall be unlawful for any person employed in the executive branch of the Federal Government, or any agency or department thereof, to use his official authority or influence for the purpose of interfering with an election or affecting the result thereof. No officer or employee in the executive branch of the Federal Government, or any agency or department thereof, shall take any active part in political management or in political campaigns. * * *

* * * * * *

"§ 118m. Political campaigns in localities where majority of voters are Government employees:

"Whenever the U.S. Civil Service Commission determines that, by reason of special or unusual circumstances which exist in any municipality or other political subdivision, in the immediate vicinity of the National Capital in the States of Maryland and Virginia or in municipalities the majority of whose voters are employed by the Government of the United States, it is in the domestic interest of persons to whom the provisions of this subchapter are applicable, and who reside in such municipality or political subdivision, to permit such persons to take an active part in political management or in political campaigns involving such municipality or political subdivision, the Commission is authorized to promulgate regulations permitting such persons to take an active part in such political management and political campaigns to the extent the Commission deems to be in the domestic interest of such persons.

* * * * *

"§ 118n. Elections not specifically identified with National or State issues or political parties:

"Nothing in the second sentence of section 118i(a) or in the second sentence of section 118k(a) of this title shall be construed to prevent or prohibit any person subject to the provisions of this Act from engaging in any political activity (1) in connection with any election and the preceding campaign if none of the candidates is to be nominated or elected at such election as representing a party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected, or (2) in connection with any question which is not specifically identified with any National or State political party. For the purposes of this section, questions relating to constitutional amendments, referendums, approval of municipal ordinances, and others of a similar character, shall not be deemed to be specifically identified with any National or State political party."

2. The Civil Service Commission Regulations, 5 C.F.R. § 733.301 (1964) provides in pertinent part as follows:

"§ 733.301 Grant of privilege to residents of certain localities.

"(a) Under section 16 of the Act the Commission has excepted employee residents of certain municipalities and political subdivisions from the prohibitions of section 9 of the Act, subject to the following conditions:

"(1) An employee shall not neglect his official duties or engage in nonlocal partisan political activities.

"(2) An employee shall not run for local office as a candidate representing a political party or become involved in political management in connection with the campaign of a party candidate for office.

"(3) An employee who is a candidate for local elective office shall run as an independent candidate.

* * * * *

"(b) The exceptions referred to in paragraph (a) of this section are effective for employee residents in each municipality and political subdivision named in this paragraph from and after the date specified.

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[5] Plaintiffs contend that several recent Supreme Court cases impair the validity of *Mitchell's* holding that the Hatch Act is a reasonable and constitutional limitation on the rights of federal employees. The first case cited by plaintiffs, *Wood* v. *Georgia*, 370 U.S. 375 (1962) at page 14, n.10 of plaintiffs' brief, involved a state court conviction of an elected sheriff for alleged contempt of court. In reversing the conviction the Supreme Court expressly reaffirmed the validity of *Mitchell* as follows (370 U.S. at 395):

"Petitioner was not a civil servant, but an elected official, and hence this case is not like *United Public Workers* v. *Mitchell*, 330 U.S. 75, in which this Court held that Congress has the power to circumscribe the political activities of federal employees in the career public service."

Plaintiffs cite two other cases where the Supreme Court reversed various state actions; however, the grounds for reversal in both cases were that the state or local action bore no reasonable connection to the valid purposes for which the action was taken. *Gibson* v. *Florida Legislative Investigation Committee*, 372 U.S. 539 (1963); *Bates* v. *Little Rock*, 361 U.S. 516 (1960). That is not the case here.

"In Maryland

* * * * *

"Montgomery County (Apr. 30, 1964). (1965 Supp.)"

This is the interpretation of the Justice Department in support of the wisdom of the Civil Service Commission in denying the request to permit Federal employee activities in partisan political elections.

Mr. WHITENER. In that case, the Justice Department supported the Civil Service Commission.

Mr. NELSEN. The gentleman is exactly correct.

SUMMARY OF DEPARTMENT OF JUSTICE BRIEF CONCERNING SUIT PENDING IN U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND (CIVIL ACTION NO. 16460) RELATING TO THE HATCH ACT

FACTS

The U.S. Civil Service Commission has granted to Montgomery County, Md. residents an exemption to section 16 of the Hatch Act to engage in nonpartisan political activities or to become independent or nonpartisan candidates for office. The Civil Service Commission has uniformly, and without exception, restricted such exemptions to independent nonpartiasn activities of a purely local nature. The code of Federal regulations—5 C.F.R. 733.301(a)—provides in effect: First, that an employee shall not engage in local partisan political activities; second, that employees may not run as a candidate for a political party or become involved in political management in connection with the campaign of a party candidate; third, that an employee who is a candidate for local elective office shall run as an independent.

Early in 1964 parties in Montgomery County filed requests with the Civil Service Commission for an exemption for Federal employees residing in that county to participate in local partisan elections and become partisan candidates. The Commission denied the requests.

In March 1965 parties petitioned the Civil Service Commission to hold a further hearing to review the denied requests. The Commission denied this request. In April 1965 the parties filed a petition for reconsideration which petition was denied by the Commission. Thereafter the parties filed suit in the U.S. District Court for the District of Maryland attacking the action of the Civil Service Commission and the constitutionality of the prohibition against engaging in partisan politics.

LEGISLATIVE HISTORY

Section 16 of the Hatch Act was born in an amendment introduced from the floor of the Senate by Senator BYRD of Virginia, after consultation with Senator Hatch, during the 1940 debates on extension of the act. Senator Hatch stated, in support of the amendment:

Inasmuch as the amendment which the Senator now offers merely restores to the Civil Service Commission the power which it had and which it exercised before the passage of the (original) act last year, I thought it was wise to give general authority to meet local or domestic situation (86 CONGRESSIONAL RECORD 2977).

Senator Hatch was referring to authority which the Civil Service Commission had exercised prior to the Hatch Act, to waive the provisions of Civil Service rule I, which prohibited employees in the competitive civil service from participating in political management of political campaigns. This principle had been established by President Theodore Roosevelt, in Executive Order No. 642, of June 3, 1907, from which Civil Service rule I was derived. By subsequent Executive orders issued by Presidents Taft, Wilson, Coolidge, and Hoover, the waiver was extended to various communities in Maryland and Virginia near the National Capital. All such waivers, however, incorporated a prohibition against participation in general partisan politics.

In Executive Order 4048 of July 12, 1927, the President granted to the Civil Service Commission authority to extend the waiver to other incorporated municipalities, subject to the prohibition against partisan politics.

In the 81st Congress an amendment was introduced to the Hatch Act which would have permitted partisan political activity at the local level. The bill was vetoed by President Truman. President Truman, in his veto message, observed that in States where local branches of political parties are required to support State and National tickets, the principles of the Hatch Act would be violated. The historic application of the principle of Federal employees in participating in partisan political campaigns has not been changed by the Commission nor by the Congress to this date.

JUSTICE DEPARTMENT DEFENSE OF THE HATCH ACT

The brief filed by the Justice Department in defense of the action of the Civil Service Commission in denying local partisan participation by Federal employees clearly supports the position of those opposing the provision in the home rule bill which would exempt, for the first time, Federal employees from the provisions of the Hatch Act so as to permit partisan participation in elections.

In the brief at the bottom of page 25, the Justice Department states that the Supreme Court has held that complete prohibition of political participation does not violate employees' rights and, therefore, there is no question as to the right of the Commission, under the Hatch Act, to limit its exemptions to nonpartisan activity. "The immunization of executive employees from partisan politics is a rational requirement which is more than justified by the vital public interest in the integrity of the career civil service."

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. NELSEN. Ladies and gentleman of the Committee, I have had some experience with respect to what happens in Government. I was the Administrator of the Rural Electrification Administration from 1953 to 1956. I have never known a more dedicated group of people or a finer agency, and not one of those people was ever approached by me for political contributions.

Since that time a change has come. Even under the law, which is supposed to make the career civil service sacrosanct from solicitation, pocket picking, and arm twisting for campaign funds is rife throughout the Government. The situation is incredibly serious. Intimidation is rife and morale is very low.

I have been called off of this floor, back to the retiring room, back among the statutes, to be told by my old employees of the incredible problems which exist at the present time. Employees of the agency which I headed have been called up to the Administrator's level, and funds have been boldly solicited for dinner tickets, at $100 a piece, $50 down and $10 a month. Many of those people bought tickets, because they were fearful of losing their jobs if they did not.

These things have been reported. They have been investigated and substantiated by the FBI, by the Justice Department, and by the Civil Service Commission, and nothing has been done. Prosecutions have not been undertaken.

Are we in this Congress going to sit here and, under the guise of home rule, pass a bill which will put the stamp of congressional approval on more of the same? If we do that we will not be passing a bill for home rule. We will only be passing a bill to give the politicians the pocketbooks of the Federal employees.

All we will be doing is opening the door for the destruction of a civil service system which we all understand must be maintained if the integrity of the Federal Service is to continue.

I feel this would be a tragic thing. I have appealed time after time to the authorities to properly and forcefully insure the application of the Hatch Act. We must not permit activities in partisan elections, as this bill would do.

I can only suspect that the proponents of this bill see a golden harvest from the pockets of the Federal employees.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I rise to commend the gentleman for the great work he has done and the perseverance he has evidenced in this field. He is doing a great service for all Federal employees.

I should like to focus attention on another closely related aspect of this. An article appeared in the Saturday Washington Star, written by Walter Pincus, who I believe is a competent and reliable reporter, who points out that under these bills apparently there is no prohibition against corporations or labor unions making contributions to candidates running for office in the elections. Can the gentleman tell me whether or not that statement is correct as he understands the bill?

Mr. NELSEN. As the gentleman says, I regard the reporter who wrote the article to be a very reliable reporter who researches the statements he makes. I have found him to be accurate in all instances.

At this point in the RECORD, I will include the article to which the gentleman alludes:

MONEY AND POLITICS—HOME RULE BILL LOOPHOLE

(By Walter Pincus)

The District of Columbia home rule bill—as now written—contains no provisions to govern campaign financing of the elections for mayor, city council, and board of education set up by the measure.

Without specific legislative language to cover the new elective situations, District election officials believe these candidates may not be legally bound by any District campaign fund statutes now on the books.

If that is the case, District mayorality candidates in 1966, for example, would not have to publicly report their contributions and expenditures, could receive unlimited funds from any sources—including corporations and unions—and could spend any amount on the campaign they could afford.

Even if the District statute were applicable, information filed would be useless for the 1966 voter since the reports are not required until 10 days after the election.

COULD BE COSTLY

In a sharply contested election with the District of Columbia City Hall at stake, campaigns could become costly and their financing could be an important issue.

Last year's Democratic primary provided an insight into what may be ahead. Prior to that election, there were allegations made that the Convention Democrats' slate was being financed by the late Frank Luchs of the real estate firm of Shannon & Luchs. Convention Democrats' officials—and Luchs—denied the allegations.

It was only after the election, when the reports showing a $12,000 deficit were filed, that the extent of Luchs' role became apparent. Some bills are still outstanding.

The 1964 primary campaign reports show another potential District of Columbia election financing problem. Two Democratic States received money from District business firms—particularly liquor stores. For example, according to the filed reports the Convention Democrats received $100 from Sheriff Liquors, Inc., and the Dedmon-Gerr slate got $25 from Epstein Liquors and $25 from Kojak Liquors.

The International Electrical Workers Union was listed as giving $150 to the winning United Democrats for the Johnson slate while the Dedmon group reported $50 from the Journeyman Barber Union.

Federal election laws prohibit unions and corporations from contributing to Federal elections—prohibitions that would apply to the District delegate candidates. But under present and proposed District law, such contributions would be legal in the District of Columbia mayor's race for example.

ISSUE NEVER RAISED

Apparently the question of campaign finance regulations for the home rule bill has never been brought up during Capitol Hill consideration of the measure.

The Board of Elections, which was established by the District Primary Act, has not discussed the matter either.

"You would think the Nation's Capital would be a model for this sort of thing," a District of Columbia official said yesterday.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. NELSEN. Mr. Chairman, I might point out the parade of bills that has been introduced relative to home rule. I doubt very much that many of us know what is exactly in them. I might add also that I have an amendment prepared for the bill that hopefully will take care of the point the gentleman from Michigan alluded to.

Mr. GRIFFIN. I will say if the gentleman's amendment does not cover it, then I have an amendment which will.

Mr. NELSEN. Thank you.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. NIX].

Mr. NIX. Mr. Chairman, home rule for the District of Columbia raises the problem of the Hatch Act. This act prohibits Federal employees in the executive branch from taking an active part in political affairs.

Federal employees constitute from 10 to 15 percent of the District's population and about 20 percent of District residents who are 18 or over. The number of Federal employees in relation to eligible electors is possibly as high as 35 percent.

To foreclose these people from participation in the political affairs of the District is to deny the District the benefit of the wisdom and experience of, probably, its most sophisticated political element. This just does not make any sense.

The home rule bill before us recognizes the problem by permitting Federal employees to engage in political activity in connection with elections for District Mayor and District Council. Stated simply this home rule bill permits Federal employees living in the District to engage in political activity in connection with elections for local officials held under the bill.

Let there be no mistake—these employees still continue under the restraint of the Hatch Act in connection with elections for President, Vice President, and Delegate to Congress for membership in the Democratic or Republican Party, District central committees, and for delegates to the convention of these parties. Since election to these offices is not held under the home rule bill, it comes within the restraint of the Hatch Act.

Under the home rule bill, members of the Board of Education are required to be nonpartisan. Elections for this office are exempt from the Hatch Act which by its terms excludes nonpartisan elections. That act exempts election of candidates who do not represent a party whose presidential elector candidates received votes in the last preceding election for presidential electors.

Referendums on the adoption of the home rule bill or on bond issues under the bill are exempt. This is true also under section 18 of the Hatch Act, which excepts constitutional amendments, referendums and approval of municipal ordinances.

Federal employees continue under Hatch Act restraint to refrain from using their official authority to interfere with an election or to effect its result. They also continue to be subject to the penalties of the Criminal Code with reference to such political activity as solicitation of political contributions in Federal buildings or from any person receiving funds appropriated by the Congress for relief or for solicitation of anything of value for personal reward or as a political contribution in return for the promise to use influence to secure an appointive office—to mention but a few.

District government employees also are prohibited from using their authority to interfere with an election or to effect its results and also are subject to all the penalties of the criminal code in respect to prohibited political activity.

Why is it necessary to exempt elections held under the home rule bill from the Hatch Act? Section 16 of the Hatch Act confers authority on the Civil Service Commission to allow Federal employees to engage in political activity when it is in the domestic interest of such employees or under certain unusual circumstances. It may and does allow them to engage in such activity in the immediate vicinity of the National Capital, in Maryland, Virginia, or in municipalities where the majority of the voters are Federal employees. The Commission is also authorized to regulate the extent to which Federal employees may take part in such political activity.

The Commission has extended these privileges to 40 communities in the Maryland suburbs of Washington and to 9 communities in the Virginia suburbs. Similar privileges have been extended to nine other cities in Washington, California, Georgia, Arizona, and Tennessee. It has, however, prescribed limits on the use of this privilege.

For example, a Federal employee may run as an independent candidate where permitted by State law even though he is the candidate of a permanent political organization and he may do so in partisan elections where the Republicans and Democrats likewise file a slate of candidates. The candidate is independent so long as no name like Democratic or Republican is attached to his group and it is not connected with a State or National party. Such group as Arlingtonian's for a Better County—ABC's—is an example of this.

In any event, present law operating under the exception to the Hatch Act and through the Commission recognizes the need for an escape under certain circumstances from the flat prohibition of the Hatch Act. It should be remembered that this escape mechanism was enacted a quarter of a century ago when possible home rule for the District was not taken into account. The Congress then failed to give the Commission the authority to extend the same relief to Federal employees residing in the District that it authorized for them in nearby Maryland and Virginia.

To meet this problem, section 810(c) was written into the home rule bill. It extends the same privileges of political activity to the District which are extended to Maryland and Virginia suburbs under section 16 of the Hatch Act.

It differs from section 16 in two ways. First, Congress rather than the Commission, makes the decision to extend the privilege of political activity. Second, it does not limit political activity to campaigns for independent candidates. This second difference is not really a difference. For section 16 of the Hatch Act does not by its terms apply only to in-

dependent and nonpartisan candidates. The limitation in that respect is imposed by Commission regulation.

In any event the home rule bill allows political participation in partisan District elections and even provides for minority representation on the District Council. In this respect the home rule bill applies the section 16 principle to Federal employees in the District.

Once before when Congress was confronted with a similar problem, it made the same determination that is made by the home rule bill. In that instance, the Congress wrote into the Hatch Act an exemption in favor of Alaska railroad employees residing in communities along the line of the raliroad in respect to political activity. A similar exemption is contained in the home rule bill in favor of Federal employees residing in the District.

The problem of political activity by Federal employees in the District represents the unusual circumstances contemplated in the Hatch Act to warrant exemption from its restraint. Under these circumstances, it would appear to be perfectly reasonable to allow Federal employees residing in the District to participate in political activity in connection with elections held under the District home rule bill.

Mr. DON H. CLAUSEN. Mr. Chairman will the gentleman yield?

Mr. NIX. I yield, briefly.

Mr. DON H. CLAUSEN. I should like to ask a question. The gentleman made the point that the school board was going to be elected on a nonpartisan basis. Why would it not be a good idea to have the local elective body for the city of Washington itself elected on a nonpartisan basis?

Mr. NIX. I answer the gentleman in this way. It might be a good idea; many other suggestions might be good ideas. But this, I take it, has been deemed to be the best idea by those who formulated this legislation.

Mr. McMILLAN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. ROGERS] .

Mr. ROGERS of Colorado. Mr. Chairman, there has been a lot of discussion on home rule since I have been a Member of Congress. Heretofore I have taken the position—and it is still my position—that the people of the District are entitled to govern themselves. However, that is limited in the Constitution which says that the Congress shall have exclusive jurisdiction over the 10-mile area that was ceded by Maryland and Virginia to the Federal Government. That gave Congress exclusive jurisdiction and, whether we like it or not, we in Congress are stuck with it until the people change the Constitution. If one studies this a little further, one will find that any action that has ever been taken by Congress in this regard has been a delegation of authority from Congress, and that delegation of authority has existed in various forms throughout the history of this Nation.

Now, Mr. Chairman, in effect, what we would do in any delegation of authority is to give a revocable proxy.

Mr. Chairman, when one studies the proposals that are submitted here—and I studied them and I arrived at the conclusion that to enfranchise the people of this District for the right to govern themselves, we would disenfranchise all of the balance of the people of the United States as this relates to the money in the Treasury of the United States.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. Let me finish and then I shall be glad to yield to the gentleman from New York.

If one will examine the original bill that was in the discharge petition, H.R. 4644, one will find that under the procedure provided for in this formula, and once the General Services Administration and the mayor and city council that is being created have arrived at the amount of money they wanted, all they had to do was to go down here to the Treasury of the United States and the Treasury was obligated to pay it.

Now, Mr. Chairman, that disenfranchised the rest of the people of this country.

When the other body considered S. 1118, they made certain amendments that improved the proposal. They required the mayor and the administrator to make a reasonable and fair assessment. This is the only control before the mayor would go to the Treasury of the United States to get the money for the District.

Mr. Chairman, there is no telling under the original bill, H.R. 4644, what amount of money they would have available and that could be pulled out of the Treasury of the United States.

For that reason, Mr. Chairman, I did not sign the discharge petition.

Now, when the bill was approved in the other body, they improved it to some extent. They at least said that the General Services Administration and the mayor should have a reasonable and fair valuation upon the property that they proposed to assess. But now what happens in the so-called substitute, H.R. 11218? You have the same formula and by the words and the conditions set forth in part IV you authorize—now, Congress, mind you, has passed to and given authority to the General Services Administration and the mayor the right to make a determination. Once having made that determination and certifying it to Congress, that constitutes legislation authorizing an appropriation for the amount to which they agree.

Mr. Chairman, how much authority must we give if people are to have home rule in the District of Columbia?

Now let us go one step further. I mentioned the formula and they have at least four different parts which the gentleman from Virginia [Mr. SMITH] has explained.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 5 additional minutes.

The formula is to real estate, one is to personal property, and the other is the fraction arrived at by the number of Government employees employed in the District of Columbia as compared with private employees. That is the formula that is used to arrive at the assessed valuation.

So what happens, and how is it used? We give to the city council and the mayor the right to prepare a budget; we also give to them the right to issue bonds without any election from the people of the District of Columbia up to 2 percent of the valuation. Can anybody tell me how much they are authorized to issue under that 2-percent valuation?

The other part of the legislation which is obnoxious and not according to regular form is that once the budget has been determined, and the amount of money needed for the District determined, if the city council so determines they may without any action whatsoever increase that at least 5 percent. You have a proposed budget of approximately $331 million for the fiscal year 1966. If you take 5 percent of that then you permit the city council to issue short-term notes to the tune of $15 million without any reference to the people whatsoever.

The additional point I want to make is that nobody can tell you under this formula what they are going to come up with as to valuation. How can you say what is 2 percent of the assessed valuation, and how can you say what is 5 percent of the amount of the budget which they may have prepared? Those are authorities given to the council which could very easily within a short period of time permit the council to issue short-term notes and bonds and I would anticipate of not less than $50 million.

Mr. RIVERS of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman from South Carolina.

Mr. RIVERS of South Carolina. The gentleman is a very distinguished constitutional lawyer. Does the gentleman think under our constitutional responsibilities we can delegate these things to a self-government, and do so constitutionally?

Mr. ROGERS of Colorado. We have an opinion on that.

Mr. RIVERS of South Carolina. I am coming to that. The gentleman has said we accept this responsibility whether we like it or not.

Mr. ROGERS of Colorado. Yes.

Mr. RIVERS of South Carolina. Does the gentleman think we can delegate that responsibility?

Mr. ROGERS of Colorado. We can delegate a certain amount of it, but whatever we delegate we should not delegate it so as to knock a hole in the Treasury of the United States and receive the money without Congress acting.

Mr. RIVERS of South Carolina. An unconstitutional responsibility, and in violation of the responsibility we owe to the rest of the people of America by way of referendums.

Mr. ROGERS of Colorado. Yes.

Mr. RIVERS of South Carolina. Does the gentleman agree with the decision of the Attorney General of the United States on the constitutionality of this matter?

Mr. ROGERS of Colorado. I will have to say I have not had an opportunity to

fully examine it. I agree that we as a Congress have the authority to make certain delegations. In other words, we have a right to give a proxy, a revocable proxy.

Mr. RIVERS of South Carolina. You cannot revoke it and therefore, you cannot, from what you know about the decision of this Attorney General at this point, agree with him; can you?

Mrs. KELLY. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentlewoman from New York.

Mrs. KELLY. I want to take this opportunity to associate myself with the remarks of the gentleman from Colorado and would like to ask him a question that I think is quite pertinent in view of the discussion that has taken place here. Is it possible that this formula, since so many have disagreed with it, be stricken from the bill and that the elected officials be given the authority to submit a budgetary estimate of the needs for running the District of Columbia and to submit that report to the proper committee of the House of Representatives for an authorization and an appropriation.

Mr. ROGERS of Colorado. The answer to the gentlewoman's question is—Yes, we could. I think if people are really interested in home rule rather than taking money from the Treasury of the United States, they will agree to strike titles VI and VII from this bill.

Mrs. KELLY. In further reference to a statement made by a Member of the House who spoke previously, do you agree with me that the question before the House today is not one of not trusting the elected officials but a question of making sure that those officials who are elected have the proper formula and the proper means to operate the government of the District of Columbia?

Mr. ROGERS of Colorado. The question is how to grant the people in the District of Columbia legislation to govern themselves. We should not approve a formula that permits any government to take money from the Treasury without an act of Congress.

Mrs. KELLY. Is it not true then that the answer given by one of the authors or sponsors of this bill in reply to the question raised by the gentleman from Michigan [Mr. GERALD R. FORD] in regard to the language of the bill to be found on page 58, lines 20 to 24—the answer given by the committee and by the authors of the bill is correct, and it is not contradictory to the previous remarks made with reference to title VII of the bill on page 55 so far as real property is concerned and on the following page so far as personal property is concerned.

Mr. ROGERS of Colorado. May I say, it may be contradictory but we should not give authority to the District authorizing appropriation. Congress alone should grant that right.

Mr. MULTER. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Colorado. I yield to the gentleman.

Mr. MULTER. Did I understand the gentleman to say when the other body passed the bill, S. 1118, they had amended it so as to satisfy the gentleman as to the formula?

Mr. ROGERS of Colorado. No. I said they had improved it because you see in your original bill, H.R. 4644, you made no requirement as to what is to be considered reasonable or fair. The other body at least said that the evaluation should be reasonable and fair.

Mr. MULTER. Does that satisfy you?

Mr. ROGERS of Colorado. No, it does not and because of this simple reason—I do not believe that the formula you have developed here should be saddled on the people by an authorization for an appropriation without the permission of Congress. I will say to the gentleman again, if those who are interested in home rule rather than in getting money out of the Treasury of the United States, then you just strike these two sections out and see how fast it is approved.

Mr. MULTER. Then does the gentleman agree with the principle that this Congress has laid down time and time again that the District of Columbia cannot survive unless the Treasury of the United States makes appropriations out of the Treasury funds to the District of Columbia so as to help maintain the District?

Mr. ROGERS of Colorado. I have no quarrel with the proposition that the Congress of the United States should be the one to make the determination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULTER. Mr. Chairman, I yield 1 additional minute to the gentleman from Colorado.

The principle has been laid down time after time—this year to the extent of $50 million—that the U.S. Treasury must supplement the income of the District government if it is to finance itself. That is the principle that has been laid down time and time again. Does the gentleman subscribe to that principle?

Mr. ROGERS of Colorado. From time to time, by the working of our will in the Congress, we have made the determination of what we would appropriate to the District of Columbia to help them out.

Incidentally, that assistance is not extended to my area. If it were, I am sure that the council and the mayor would soon find that the valuation of the Denver Mint, the Federal Reserve Building, the Post Office, the two big office buildings, the Air Force Finance Center, and Lowry Air Force Base would certainly be in excess of $100 million, and if the 67 mill rate were applied to that evaluation, the gentleman would see how much Denver would get.

Mr. MULTER. Have the people in the gentleman's district complained about the $50 million that we have authorized and appropriated for the District of Columbia this year out of the U.S. Treasury, which would be the funds of the taxpayers in your district as well as the funds of the taxpayers of New York?

Mr. ROGERS of Colorado. In 1953, I tried to get about $8,000 or $9,000 in connection with a road which the city and county of Denver built around Lowry Air Force Base. The Air Force said, "We cannot pay it because we have no authority to do so." So I introduced a little old bill, and being on the Judiciary Committee, and talking long, loud, and fast, before the session was over, I was able to get it through.

President Eisenhower went to Denver and had his summer headquarters at Lowry Air Force Base. While there he vetoed the bill that would pay the Government part of improving its street. The reason given was that no city should assess the Federal Government.

Mr. MULTER. That is completely beside the point. The taxpayers of the United States are paying the District this money every year.

Mr. ROGERS of Colorado. I must disagree with the gentleman. It does not beg the question. After all, I have one point of view; you have another.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman from New York yield 1 minute to the gentleman from Colorado so I might ask him a question on a comment which he made during his discussion?

Mr. MULTER. I am happy to do so.

Mr. GERALD R. FORD. In the comment made by the gentleman from Colorado, he mentioned a 2-percent, short-term bonding provision.

Mr. ROGERS of Colorado. Yes.

Mr. GERALD R. FORD. Would that 2 percent be 2 percent per year cumulative? What is the restriction, if any?

Mr. ROGERS of Colorado. I direct attention to page 36, line 12, of the bill. First, there is the formula in section 741 of the bill. That section brings in this formula. Already they have it up to in excess of $1 billion.

On page 33, line 14, the following provision appears:

> Bonds or other evidences of indebtedness may be issued by the District pursuant to an act of the Council from time to time in amounts in the aggregate at any time outstanding not exceeding 2 per centum of said assessed value—

Mr. GERALD R. FORD. I read that provision. That is 2 percent aggregate, not 2 percent per year.

Mr. ROGERS of Colorado. No. If I said 2 percent a year, then I was in error. The gentleman misunderstood me. What I meant in relation to the short-term provision is clarified on page 43. The gentleman will find that the council may by act authorize the issuance of negotiable notes in an amount not to exceed 5 percent of the total appropriation for the current fiscal year, each of which shall be designated supplemental.

That can be done every year. If there is a budget of $400 million, which they anticipate at least by 1970, that will mean $20 million. Once we permit these things to be issued, you know who is going to pick up the check.

Mr. MULTER. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I have been a little puzzled by the debate today. I cannot quite understand the opponents of home rule. I have heard all of them, since I have been in this body, make speeches telling us that the Federal

Government was bad and evil, and that State and local governments were good, and that the best government was the government closest to the people, and that we must avoid at all times—I remember these speeches—Federal interference with local schools, with local zoning, and with local problems.

On nearly every bill that comes before us we are told how bad Federal interference is.

Apparently these principles apply in North Carolina, and South Carolina, and apply in Virginia, but they do not apply in the District of Columbia, because here Federal interference is very good, Federal control is very good, and we must have it at all times; and local community control is not good for zoning, dog leashes, and whether one stands up or sits down to drink his beer. That is all very bad.

I remember the remarks of the minority leader. I did not want to ignore him in this little oration. I remember when we tried to enlarge the Rules Committee, when we wanted the 21-day rule, we were told that we did not need these things, that we had democracy, that any time 218 Members wanted to bring up a bill they could sign a discharge petition. Because we had this "out" we were told we did not need to do anything about the Rules Committee.

Now we are told here today that the minority leader cannot possibly vote even to have debate on home rule because this is an irregular and unusual procedure, and this bill ought to come out through the regular processes of the District Committee.

So I was puzzled by those two things.

Then I was puzzled today when the gentleman from North Carolina, the very able advocate and my good friend, said we should not be legislating in haste here.

Let me tell you about the haste we have had. We have had so much haste on home rule that while the other body has passed a bill of this kind I believe eight times now in the past 15 years this is the first debate we have ever had on home rule in the House of Representatives in modern times.

Mr. WHITENER. Mr. Chairman, will the gentleman yield at that point?

Mr. UDALL. I yield to the gentleman from North Carolina.

Mr. WHITENER. I am sure the gentleman is speaking in all intentional honesty, but the fact happens to be that in 1948 this House debated this issue for 3 days.

Mr. UDALL. I withdraw my charge. I say it has been 17 years. We have debated this matter one time in 17 years. The gentleman is correct.

Mr. WHITENER. Mr. Chairman, will the gentleman yield again?

Mr. UDALL. Briefly. I had a couple of other friendly observations I wanted to make.

Mr. WHITENER. The gentleman has made some reference to not understanding what is going on. I am sure the gentleman is being entirely too modest, because he is a man of great understanding. I am sure also, distinguished lawyer that he is, that he is familiar with the Constitution. Certainly he would not recommend that any local community be given authority to establish post offices or to declare war or to raise and support armies or to provide and maintain a navy, yet the very section of the Constitution which puts that responsibility upon the Congress in its opening statement says that Congress shall have the power to do these certain acts and among those acts its says "to exercise exclusive legislation in all cases whatsoever, over such District."

Mr. UDALL. The gentleman is using up my time. He knows I do not advocate letting the District of Columbia City Council declare war or establish post offices or anything of that sort, and these bills do not do anything of that sort.

Mr. WHITENER. Will the gentleman permit me to say this——

Mr. UDALL. The gentleman has used almost all of my time.

Mr. WHITENER. I think I can prevail on the gentleman from South Carolina to yield you some more time, because I think you are helping our cause.

Mr. UDALL. That was not my intention, I assure you.

Mr. WHITENER. As I said earlier, the gentleman is a man of good intentions, but the substitute places on this Congress a direct responsibility which the gentleman now advocates we abandon, because he says we shall exercise exclusive jurisdiction over the District of Columbia.

Mr. UDALL. No, not at all. Your committee does not lose one bit of power nor does the Congress. All we say to the local people in this bill is, "friends, you get the first shot to legislate on dog leashes and on schools and do your own local zoning and do what every other community does in your State and in mine. If we do not like it, here in Congress any Monday afternoon we can repeal, revise, or otherwise take care of it."

The CHAIRMAN. The time of the gentleman from Arizona has expired.

Mr. McMILLAN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. UDALL. The people of the District are getting a very limited, modest, half-loaf kind of home rule. All they are getting is a first shot, some little voice, and some little first shot at what kind of schools they have and how they will handle their own local problems.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to my good friend from California.

Mr. SISK. Mr. Chairman, I appreciate the remarks of the gentleman, but that last statement he made before I asked him to yield was completely in accord with my substitute which I propose to offer tomorrow. I wonder if this is what he proposes to wind up with in his pledge to give the power to the people in the District just like to all of the people across the country and in his State and mine.

Mr. UDALL. The gentleman is known throughout central California as a great optomist and I feel he is that in this case because I support the bipartisan bill the gentleman from New York is going to offer as a substitute.

Mr. SISK. I have been curious to find out just what is in that bill.

Mr. UDALL. Mr. Chairman, I decline to yield further, because I am running out of time. I would like to continue the discussion. Let me continue with one other point here. I think there has been a really serious misunderstanding. A lot of my friends who are sincere say they cannot be for this bill because Washington is a Federal city and belongs to all of the people of the United States and we will give that away in these bills. They are partly right. There are portions that do belong to all of the people and I do not want some city council telling us what goes on in the White House or what goes on in the Capitol, but the point I make is you can separate the parts of Washington as a city which have a national interest and the parts of Washington which do not have a national interest. Congress does have an overriding concern with what goes on in the Capitol and these great Federal buildings, but the voters in Tombstone, Ariz., have no real concern about zoning at 49th and Upshur Street or dog leashes or liquor laws and other things that I have referred to. This bill very carefully lets the people of the District legislate on things that are local and reserves to the Congress and the President the right to legislate on things that have a national interest.

Mr. MULTER. Mr. Chairman, I am going to yield myself 1 minute before moving that the Committee do rise.

Mr. HORTON. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. MULTER. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. LINDSAY] may extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LINDSAY. Mr. Chairman, self-government for the citizens of our Nation's Capital has been too long denied and should not be further delayed. In recent years, I have been proud to participate in drafting and enacting legislation to secure for all Americans the fundamental right of full participation in our democratic process. I am proud today to speak in favor of home rule, which extends this right to those citizens who call the District of Columbia their home.

The legislation which is before this House today is the product of months of hard work by the gentleman from Maryland [Mr. MATHIAS], the gentleman from New York [Mr. HORTON], and other leaders in this fight. They have invested a great deal of time and effort, and have succeeded in bringing before us a measure which represents the best attainable form of home rule. I commend them for their dedication and persistence in this cause.

Most Americans take for granted the opportunity to elect municipal officials, to contact their aldermen or councilmen about neighborhood or city problems, and to be represented at city hall by officials who are responsible to the people and responsive to their views. The 800,000 citizens of Washington do not have these privileges. Their city executives today are appointed, and their city council is the Congress of the United States, elected by Americans living in every part of the land except the District of Columbia. There is no public official elected by the people of Washington to whom they can turn. There is no forum in which they can express their needs, and there is no machinery through which they can take part in municipal government. This bill would provide such a forum and such machinery, by establishing in Washington an elected mayor and a city council of 19 members, of whom 14 will be elected in wards and 5 at large.

There is, of course, a unique national interest in the District of Columbia, the District created and maintained as the National Capital and the seat of our Federal Government. This measure, I believe, provides completely adequate safeguards for that unique national interest. In accordance with the Constitution, the Congress will maintain, as it now maintains, ultimate legislative power over the District of Columbia, including the power to amend or repeal any law now in force in the District, or any act passed by the council. In addition, the President will have the power to disapprove any act of the council if he is satisfied that that act adversely affects a Federal interest. The bipartisan bill introduced last week also provides an additional means of Federal oversight, by providing for annual congressional appropriations of the Federal contribution to the District of Columbia budget.

The special need for the protection of public officials and the maintenance of public order in Washington is recognized, too, by provisions authorizing the President to assume command of the police force of the District and to designate additional police when he feels such steps are necessary or appropriate.

This bill also solves the problem of maintaining the integrity of municipal elections in Washington, without depriving qualified citizens of participation in local government simply because they are Federal employees. The requirement that municipal elections shall take place in nonpresidential election years is, I believe, an effective safeguard.

In short, this is a workable bill. It is a necessary bill, for the citizens of Washington should no longer be denied full participation in the governing of their city. The problems of Washington—problems of housing, of schools, of law enforcement, of transportation, of recreation and other public facilities—can best be attacked by elected officials who are familiar with local needs and are responsible to their local constituents. Through self-government, the citizens of the District of Columbia will be able to play, at long last, their full part in making the National Capital the progressive and exciting city it should be. Passage of this bill will reaffirm, finally, the American commitment to the democratic process and to equal rights and equal civic responsibilities for all Americans.

I am proud to support this bill.

Mr. FASCELL. Mr. Chairman, in his book, "The Public Philosophy," which appeared a few years ago, Walter Lippmann analyzed the basic ideas that underlie English and American political institutions. These ideas were embodied in the Magna Carta, the English Bill of Rights, the Declaration of Independence, the Federal Constitution, and our own Bill of Rights.

The ideas set forth in these constituent documents concerning the natural rights of man and the proper conduct of government make up what Lippmann calls the public philosophy.

It is the soverign principle of the public philosophy—

He says—

that we live in a rational order in which by sincere inquiry and rational debate we can distinguish the true and the false, the right and the wrong.

One of the cardinal tenets of the public philosophy is the principle of local self-government by the elective process. Inherited from medieval England and incorporated in our State constitutions, this principle is now practiced throughout the United States, except in Washington, D.C.

We know from James Madison's statement on the subject in the Federalist Papers No. 43 that the framers of the American Constitution contemplated that the inhabitants of the Federal City would enjoy local self-government. Writing in 1788 he said:

A municipal legislature for local purposes, derived from their own suffrage, will of course be allowed them.

Congress carried out the promise of the Founding Fathers and granted local autonomy to the District of Columbia down to 1875. In that year the continuity of the democratic tradition was ruptured and the rupture has not been repaired for 90 years. For nine decades the city of Washington has suffered from the eclipse of this basic principle of the public philosophy.

During the past 20 years there has been a locally inspired effort to revive and restore local self-government in the Nation's Capital City. This effort is based not only on the intrinsic validity of the principle of local autonomy, but also upon awareness that self-rule for the District of Columbia would relieve Congress of an onerous work load. Serious local problems accumulate and remain unsolved because Congress is internally too preoccupied with more urgent matters to function effectively as a city council for Washington. The growing demand for home rule has also been reenforced by a recognition of the vital educative effect on the people of representative local institutions.

This movement has been encouraged by endorsements of the principle of local self-government for the District of Columbia in the national platforms of both political parties, by supporting statements by both Republican and Democratic Presidents, and by the action of the U.S. Senate which six times has passed home rule bills with strong bipartisan support.

Twenty years of sincere inquiry and rational debate have enabled us to distinguish the true and the false, the right and the wrong. Honest reflection on our common experience, past and present, have led me and many of my colleagues in this House to conclude that home rule should be restored to the people of the District of Columbia. I favor the pending bill and hope that it will become law.

Mr. MULTER. Mr. Chairman, after listening to the debate thus far, it would appear to me that there are none so blind as those who will not see and none so deaf as those who will not hear. The bills that we are considering have been set forth in full in the hearings of the House District Committee. In the same hearings are also set forth in full the Senate bill as passed by the Senate. In those hearings is a tabulation indicating specifically the changes and the differences between the various bills, those introduced here and that passed by the other body. In addition to that we have placed in the RECORD and sent a communication to every Member of the House indicating precisely what changes are sought to be made by the substitute that will be offered.

For the benefit of those Members who desire to read these things again, I shall ask permission when we get back into the House to include them in a revision of my remarks so that they will be once more in the RECORD in full and available for convenient reference.

The CHAIRMAN. The time of the gentleman from New York [Mr. MULTER] has expired.

Mr. MULTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROONEY of New York, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4644) to provide an elected Mayor, City Council, and nonvoting Delegate to the House of Representatives for the District of Columbia, and for other purposes, had come to resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. MULTER. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks made in Committee of the Whole today and include extraneous matter.

The SPEAKER. Without objection, it is so ordered.

THE 260-INCH SOLID-PROPELLANT BOOSTER

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, I am very proud to report to the House on the spectacular success of the test firing of the 260-inch solid-propellant booster. Seven Members of the House were privileged to attend Saturday's test firing of the world's largest rocket at Homestead, Fla. Those attending were Representative GEORGE P. MILLER, Democrat, of California, chairman of the House Committee on Science and Astronautics; Representative JOSEPH E. KARTH, Democrat, of Minnesota; Representative EDWARD J. GURNEY, Republican, of Flordia; Representative GALE SCHISLER, Democrat, of Illinois; Representative DANTE B. FASCELL, Democrat, of Florida; Representative CLAUDE PEPPER, Democrat, of Florida, and myself.

This successful test fully vindicates the judgment of this House in supporting the long fight of the House Committee on Science and Astronautics to urge greater development and use of solid propellants in the Nation's space program. As chairman of the Subcommittee on Advanced Research and Technology, I am very proud of the recommendation of our committee that $6.2 million be expended beyond the President's fiscal 1966 budget, for the purpose of developing and testing a full-length 260-inch-diameter booster. Saturday's firing, which produced a thrust of 3.5 million pounds, tested a half-length booster. A second half-length booster will be fired in January, and when the full-length booster is developed it is expected to produce a thrust of close to 7 million pounds.

Mr. Speaker, it is a tribute to the preliminary work of the Air Force, NASA, and Aerojet General Corp., and its subcontractors that this solid rocket motor has been developed so successfully. In presenting to the House the results of the work of our subcommittee on advanced research and technology, I stated on this floor on May 6, 1965:

Solid boosters are inherently cheaper, more reliable, simpler in design, construction and operation. In addition, the solid-propellant booster is likely to cost us about 50 percent of the money expended on the Saturn V in order to bring it to a man-rated system. Actually, when you count termination costs and overruns which were incurred when the program was initially under the Air Force, it is far cheaper to the Government to go ahead with this 260-inch program than it would be to terminate it. It is a very simple development in comparison with all the highly complex group of engines, pumps, turbines, etc., you have in the Saturn chemical propulsion system, and I believe it is worth the comparatively small investment it would take to complete it.

Now is the time to press forward with the development of the full-length booster, as contemplated when Congress appropriated the $6.2 million for that purpose. I hope that the National Aeronautics and Space Administration will proceed without further delay to expend the $6.2 million which Congress appropriated to carry forward the full development of the 260-inch solid-propellant booster.

NEIGHBORHOOD YOUTH CORPS: A WEST VIRGINIA TRIUMPH

Mr. HECHLER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. HECHLER. Mr. Speaker, along with Project Head Start, which operated in each of West Virginia's 55 counties, the Neighborhood Youth Corps has scored the most outstanding success of any phase of the War on Poverty. I am proud of the West Virginia record of the Neighborhood Youth Corps during the past summer, some phases of which are detailed in the following article written for United Press International by Fanny Seiler:

CHARLESTON, W. VA.—The work—varying from painting bridges to clearing brush—was hard, but 2,750 economically disadvantaged youths enrolled in the Neighborhood Youth Corps did a good job, according to statistics from the State Road Commission.

The corpsmen also apparently impressed their 110 supervisors.

Two-thirds of the supervisors, generally coaches or athletic instructors, recommended that the program be expanded or enlarged next year.

However, expansion of the program, conducted this summer as part of the war on poverty, appears dim.

Its popularity and success as a pilot program this year in West Virginia and one other State has led the Federal Government to extend it to the other States.

But a spokesman for the SRC said the increased number of States will all share in the same amount of money which was available this year to the two States.

A $60 million statewide program was submitted this summer by West Virginia to the Federal Government to provide part-time jobs for impoverished youths under various State and county agencies which participated in the NYC program.

But that proposal was rejected by the U.S. Labor Department because of a lack of money.

In addition to the SRC, a number of counties, and the State Departments of Education and Natural Resources employed 8,711 young persons under NYC this summer.

The SRC employed 200 women as office aides and 2,550 young men between the ages of 16 and 21 to perform such jobs as painting, clearing and cleaning drains, landscaping, and brush clearing.

The young men cleared brush from 4,538 miles of rights-of-way, 45 percent of it on secondary roads.

The work on secondary roads represented 20 percent of a total of 26,000 miles of the State's rural network. In the process, brush clearers killed 460 poisonous snakes.

They worked at landscaping adjacent areas to roads including clearing surrounding banks a total of 9,569 man-hours.

Enrollees in the SRC projects generally had a good opinion of the program, according to the report.

Ninety-three percent of them expressed a favorable opinion and their supervisors estimated 91 percent of the enrollees had excellent attendance records for the 12-week project that started June 1.

The work accident rate was 0.7 percent.

Supervisors nearly unanimously agreed that the program improved the young people's work habits and attitudes. The report said 33⅓ percent gained a sense of responsibility and maturity.

The supervisors felt about 60 percent would further their education.

But they suggested closer screening of applicants, smaller groups compared with this summer's 23-member teams, and more and different type of jobs for future programs.

The enrollees were screened from 10,999 applicants in the 55 counties. A total of 57,180 persons were eligible to apply under a requirement which set $3,000 as the maximum family income per year.

The greatest number of enrollees came from Doddridge, 125; Kanawha, 200; Logan, 100; McDowell, 125; and Raleigh, 125. All other counties contributed less than 100 enrollees.

SCHOOL TUITION AND NONRESIDENTS

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, on September 15 at page 24009 of the CONGRESSIONAL RECORD, the gentleman from Michigan [Mr. FARNUM] expressed concern over a Mississippi statute which requires tuition for children of nonresident parents. This statute was enacted by the Mississippi Legislature earlier this year.

We Mississippians appreciate very much Representative FARNUM's interest in the quality of education in our State. We share his concern over the poor.

His remarks would leave the impression that Mississippi is the only State that requires tuition from nonresident parents. He infers that the statute is a newly found way to harass Negro parents who leave their children with friends and relatives while employed in another State.

Mr. FARNUM's comments inspired me to do a little research on the subject of tuition requirements of nonresidents. I will have to admit my research has been superficial because of the limitation of time. The Library of Congress furnished the basic source material.

Mississippi is often accused of being backward and unprogressive. In this matter I suppose we must plead guilty, because 22 other States and the District of Columbia enacted laws requiring the payment of school tuition by nonresidents long before Mississippi got around to it.

To my great surprise, even Mr. FARNUM's State of Michigan has a system of tuition payments.

A Michigan court has ruled, even, that the remedy of a grade school district for nonpayment of tuition by a nonresident pupil is not limited to expulsion of the pupil—*Fractional School District No. 1, Paw Paw and Antwerp Townships* v. *Yerrington*, 108 Michigan 414.

Presumably, this means that in Michigan a school district not only can expel a pupil for not paying tuition, but can take legal steps to collect. Mississippi's law is much weaker and less harsh by comparison.

As stated earlier, time has not permitted thorough research on this subject, so

Michigan's law may no longer exist. Moreover, because of Mr. FARNUM's manifested interest, he may have prevailed on the Michigan Legislature to repeal its law. He was connected with the State government for several years so I assume he made such recommendations to his own State prior to his public criticism of Mississippi.

Mr. Speaker, for the record I would like to make it clear that I offer no condemnation of any statute duly enacted by the legislature of Michigan or any other State. What they do is their business—not mine.

I do not wish to provoke Mr. FARNUM into attacking other State laws on this subject. However, for his enlightenment I invite his attention to a rule of law established by the courts of New Jersey in a decision involving that State's statutory requirements for nonresident tuition. In Mansfield Township Board of Education against State Board of Education, the court held:

> Public policy forbids admission in public schools of pupils from other States, and whose parents reside there, to be educated at expense of local taxpayers, irrespective of length of time pupils have been living in State with friends or relatives or as pupils in private schools.

Even the Nation's Capital requires tuition of nonresidents. Congress passed such a law for the District of Columbia in 1960. Public Law 86–725 requires payment to the board of education of tuition for each child who attends a public school and does not have a parent or guardian who resides in the District of Columbia. Orphans are exempted.

Somehow, Mr. FARNUM neglected to direct his indignation toward the legislature of Michigan or the U.S. Congress for doing much earlier the same thing the Mississippi Legislature has done.

Mr. FARNUM failed to tell the House that a total of 23 States have laws on this subject. They are: Arizona, Connecticut, Florida, Iowa, Kentucky, Massachusetts, Michigan, Montana, Nebraska, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Utah, Vermont, Virginia, Wisconsin, and Mississippi.

Many States have wrestled with the problem of providing an education to children whose parents do not pay taxes in the State. Mississippi spends more of its income on education than any other State. Because Mississippi has the lowest per capita income of all the States, we have to stretch our tax dollar as far as possible. Every citizen must bear his share of the burden. Parents who prefer to live in another State without their children should have no misgivings over contributing to the education of their children. It is their responsibility.

The Mississippi Legislature needs no defense from me. The Michigan Legislature in its wisdom has passed judgment on this matter and it should be subject to the same criticism as the other 22 States which have acted on this subject matter.

The people of Mississippi welcome honest and constructive criticism. However, we dislike being scorned in such a manner wherein it is made to appear that Mississippi alone requires tuition from nonresidents. Describing Mississippi's law as "extraordinary" is quite misleading, and is an injustice to a State of this Union.

In the future, I hope the gentleman from Michigan will disclose the full story before attempting arbitrarily to single out one State as a scapegoat for a political tirade.

LOAN OF NAVAL VESSELS TO FRIENDLY FOREIGN COUNTRIES

Mr. RIVERS of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7812) to authorize the loan of naval vessels to friendly foreign countries, and for other purposes, with a Senate amendment thereto, disagree to the amendment and ask for a conference with the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

The Chair hears none, and appoints the following conferees: Messrs. RIVERS of South Carolina, PHILBIN, PRICE, FISHER, BATES, and ARENDS.

HON. EUGENE M. ZUCKERT, SECRETARY OF THE AIR FORCE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ROGERS of Colorado. Mr. Speaker, on September 17, the Air Force Association sponsored a banquet commemorating the 18th anniversary of the creation of the U.S. Air Force as a separate branch of our Armed Forces. The honored guest on that occasion was the Honorable Eugene M. Zuckert, who on September 30 will have completed 4 years, 8 months, and 8 days as Secretary of the Air Force. He will have served for a longer period of time in that post than has any Secretary before him. I believe also that within recent time this will constitute a record of continuous service as the civilian leader of any of the military services.

On the occasion of the anniversary banquet to which I have referred, the Vice President of the United States paid the following tribute to Gene Zuckert:

> It is fitting and proper that you are honoring a great man, a dedicated public servant—our departing Secretary of the Air Force—who has worked with such distinction—my friend, Gene Zuckert. He has served and led the Air Force with outstanding devotion and brilliance during times of stress, of change, and of challenge. This country is indebted to him for his leadership. We wish him well and Godspeed in the years ahead.

Mr. Speaker, I wish to identify myself with the Vice President in this tribute to my friend, Eugene Zuckert, and I am sure that my colleagues in this House join me in this tribute and in wishing him "Godspeed in the years ahead."

Eugene Zuckert has spent most of the years of his adult life in the public service. He was the strong right arm of the first Secretary of the Air Force and now the senior Senator from Missouri, Senator STUART SYMINGTON. As assistant Secretary, he helped formulate and mold the policies that have guided the Air Force in its formative years and in its maturity. As a member of the Atomic Energy Commission, he exemplified the highest type of devotion to his country in his performance of his duties as a member of that great Commission. As Secretary of the Air Force, he leaves us with a global Air Force whose high state of efficiency is the strongest bulwark for the assurance of peace in the free world.

Too often a devoted and dedicated public servant slips quietly out of the limelight and into the anonymity of private life without notice or recognition of his fine contribution to the public welfare. In the case of Eugene Zuckert we of the House of Representatives want him to know that we recognize and deeply appreciate the many contributions he has made in his public service. Likewise, we appreciate him as a friend who has shown patience and understanding of our problems as Members of Congress. It is indeed with heartfelt thanks that we say goodby to you, Gene.

A WHIPPED PUP

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. HARSHA] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HARSHA. Mr. Speaker, President Johnson's concession to Panama and abrogation of the 1903 treaty by granting Panama sovereignty over the Canal Zone is indeed a severe blow to the prestige of this Nation.

The U.S. Government has completely capitulated to the demands of Panama concerning the canal and we have come home from the so-called negotiations like a whipped pup with its tail between its legs.

The country of Panama owes its entire existence to the United States and we have continually given friendship and economic support to it.

The grant by Panama to the United States of exclusive sovereignty over the Canal Zone in perpetuity for construction of the canal and its perpetual maintenance, operation, and protection was an absolute, indispensable condition precedent to the great task undertaken by the United States, and the United States has fully performed its responsibilities under the treaty of 1903. Therefore, there was nothing to negotiate, and this country should have stood firm; instead the United States capitulated.

This Nation has paid Panama the full indemnity and annuities agreed upon by the two nations, has completely carried

out the terms of the treaty, and stands on firm moral and legal footing in this dispute, and under no circumstances should it have conceded to the Communist-inspired demands of Panama.

How do we expect other nations to have any respect for the United States when we do not even have enough self-respect to stand firm when we are on solid, legal, and moral footing?

HIGHER INTEREST RATES DO NOT DAMPEN BUSINESS EXPANSION

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, the reason given by administration officials for failing to reflect the market demand to tighten interest rates in the United States and so alleviate our international balance-of-payments problems—is that higher rates would inevitably curb business plans for investment and thus lead to a leveling off or even a recession in the U.S. economy. An article in the September 22, 1965, Journal of Commerce calls this theory into question.

The voluntary program for restraint of U.S. foreign lending and investing in context with the compulsory restraints in the interest equalization tax law calls upon American companies operating abroad to borrow overseas instead of in the United States. The cost of borrowing abroad is at least 20 percent more than in the United States, and maybe as much as 50 percent more. In spite of these higher rates major corporations are willing to pay the price. The fact that American corporations are borrowing abroad at these higher rates is an excellent demonstration that high money rates are not necessarily harmful and not much feared by larger companies. Under unanimous consent, I include the article from the Journal of Commerce in the RECORD at this point:

CORPORATE FINANCE: MONEY ABROAD IS WORTH COST

(By Ed Tyng)

Financing expansion abroad by borrowing overseas instead of in the United States, such as is encouraged by the voluntary program for restraint upon U.S. foreign lending and investing, costs considerably more, but most businesses will gladly pay.

This cost is at least 20 percent more, expressed in interest rates, may be as much as 50 percent more and in time may go still higher if there is any flooding of European capital markets, which have limited capacity, with American offerings.

Incidentally, the willingness of major corporations to pay as much as 50 percent more interest cost on debt created abroad is an excellent demonstration that high money rates are not necessarily harmful and are not much feared by larger companies.

COMPARATIVE RATES

A good example of what a high-credit U.S. company has to pay for foreign money is the coming issue of $25 million of bonds due in 1985 by the Luxembourg subsidiary of the Standard Oil Co. of Indiana. This issue, by AMCO Oil Holdings, S.A., will bear a coupon rate of 5¾ percent. On the basis of recent yields in the U.S. corporate bond market it is probable that Standard Oil of Indiana could have easily obtained $25 million here at, say, 4⅝ percent.

A recent Dun & Bradstreet survey of 300 top ranking corporation executives appearing in September Dun's Review showed no concern over the higher cost of foreign money, which would not be a barrier except for marginal operations where profits were narrow. Borrowing is much preferred to other ways of raising funds such as, for example, the sale of minority interests in stock in a foreign subsidiary.

A foreign minority interest in a subsidiary of an American company, some executives feel, can produce legal and pricing problems. Nor is there much enthusiasm, overall, for pulling back to this country, foreign subsidiaries' earnings in the form of dividends. This has been encouraged under the restraint program but it runs counter to the widespread feeling that most earnings of foreign subsidiaries should be reinvested in the foreign sphere if the foreign operation is to prosper and keep up with competitors.

For large amounts of money foreign corporations often find that it is cheaper to borrow through the international facilities of U.S. investment bankers than it is to float new issues at home. An example was the $55 million private placement that BP North American Finance Corp., subsidiary of British Petroleum, arranged here about the same time that Standard Oil of Indiana's subsidiary was arranging for $25 million foreign money.

The British Petroleum subsidiary, on notes repayable from 1971–85, paid 5½ percent interest. Since U.S. investors were subject to the U.S. interest equalization tax, it is presumed that much of the issue was placed with foreign institutions or U.S. subsidiaries of foreign organizations. It appears that British Petroleum got its funds here cheaper than the U.S. oil company got funds abroad.

Up to now the capacity of foreign capital markets has been but a small fraction of that of the U.S. capital market. Foreign capital issues in Europe last year were about $1 billion and are likely to be less this year.

PORTENTS OF INFLATION

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CURTIS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CURTIS. Mr. Speaker, in an editorial on September 22, 1965, the Journal of Commerce suggested that within the very near future, signs of burgeoning inflation will be more obvious than they are now. The Journal noted that between July 1964, and July 1965, the wholesale price index rose by 2.5 percent. Since February 1965, the increase in the index has been more than 3 percent.

Other evidence of the rebirth of inflation that was cited included the sharp advance in bank credit, the Vietnam war, the tremendous rise in all kinds of debt, the growing liquidity of nonbank lenders and the persistent rise in personal income.

In the light of these inflationary tendencies in the economy, the Journal believes that it is increasingly difficult to see how there can be much more justification for keeping interest rates as easy as they are now through Government intervention. This is particularly true in view of the evidence that the U.S. balance of payments is worsening again after a brief improvement in the second quarter.

To illustrate how much our interest rates are out of line with those in Europe, the Journal cited the ability of an European oil company to borrow here, despite the interest equalization tax, at 5.5 percent, while at the same time an American oil company, loyally cooperating with the foreign loan restraint program, floated a loan in Europe at 5.75 percent.

Under unanimous consent, I insert the editorial referred to from the Journal of Commerce in the RECORD at this point:

PORTENTS OF INFLATION

Fundamental economic trends still are inconclusive enough to permit argument about whether inflation is here again or whether it isn't. We are almost willing to concede that within the very near future signs of burgeoning inflation will be more obvious than they now are and that they may even become sufficiently evident to convince a reluctant Federal Reserve Board that it better act.

For example, as leading commentators have observed, it now is no longer possible to cite the stability of the Bureau of Labor Statistics wholesale commodity index and ask where is the inflation. This index broke out on the upside in July to rise to 102.9, against 100.4 12 months earlier, up some 2½ percent, after rocking along with only minor changes since 1958. Contributing to the overall rise of 2½ percent was a jump in farm products of some 6.3 percent. In the 5 months since last February the increase in the total index has not been 2½ percent but more than 3 percent.

If other evidence is needed of the rebirth of inflation, look at bank credit. While the advance in bank loans and investments in the second quarter was not quite as rapid as was the 12.4 percent increase in the first 3 months, it was well above the average of the past 4 years and for the 6 months averaged around 11 percent, against the 8 percent annual rate of recent years.

What is significant, economists have noted, is that what rise in bank credit has occurred has been in the face of a more restrictive Federal Reserve policy which has kept banks almost continually operating on reserves borrowed from the Reserve System.

The Federal Reserve particularly watches price trends and some argument can be made that the average price level is going to advance still further and more rapidly. It has been forecast that steel mills, in the wake of the wage contract settlement that the President has held to be noninflationary, will be slow and selective in increasing their prices. But users of steel whose wage rates are largely conditioned by the steelworker's contract, have indicated that they will increase prices.

Then there is the possible effects of the Vietnam war. One leading economist, Robert Van Cleave, has made the point that up to July Vietnam played no part in what signs of inflation have since become visible, for as recently as June worries about an economic letdown were rife and ex-Chairman Walter Heller of the President's Council of Economic Advisers was calling for expansionary Goverment policies for 1966.

But now the outlook has greatly changed: Vietnam seems likely to cost a minimum of $3 billion and maybe much more by the time supplemental appropriations are asked for next January.

There will be strains in providing both guns and butter. And fighter planes which cost $60,000 each in World War II, as Senator RUSSELL has noted, now cost $3 million each. They are being lost quite regularly. In short, price levels must soon reflect war and any increased Government budget deficit will be, overall, inflationary.

What is ahead in the way of stability, which up to now has justified too easy money and expansionary Federal policies, promises to be only relative stability in the sense that our inflation may be kept less than that in other nations. But it will still be inflation.

So it is increasingly difficult to see how there can be much longer justification for keeping money rates as easy as they are, particularly now that there is ample evidence that the U.S. balance of payments is worsening again after brief improvement in the second quarter.

How much out of line are our short-term money rates has been shown, not only through comparisons with those in Europe—including the advance in Euro-dollar interest rates—but also in the persistent advance in some of our own short-term money rates to the highest in 5 years. Another illustration recently was afforded by the ability of a European oil company to borrow here despite the equalization tax at 5½ percent, while at the same time an American oil company, loyally cooperating with the foreign loan restraint program, floated a loan in Europe at 5¾ percent.

Incidentally, the willingness of top American corporations to pay fancy interest rates to borrow in Europe more or less vitiates the argument that high interest rates by themselves are inimical to continued business progress here.

The persistent rise in personal incomes to new highs and the tremendous rise in all kinds of debt—to say nothing of the immense and growing liquidity of nonbank lenders—are other inflationary influences that will have future effects if they are not already having such influence.

Of course, it is always possible to find flies in the ointment and stray things to disprove the seeming trend. For example, the pace of housing starts is officially described as very disappointing and there has been some falling off in durable goods orders. And steel orders naturally are not as good as they were and won't be until users pare down inventories accumulated in fear of a strike that didn't occur.

One sign of the inflationary surge, it would seem, is that there is less talk of that horrible "fiscal drag" that would come from the Government balancing its budget and taking out of the economy as much money as it put in. The budget balance seems more unlikely and so does the fiscal drag.

WYMAN SPACE ADVICE PROPHETIC: ADMINISTRATION 2 YEARS LATE

Mr. HORTON. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. CLEVELAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CLEVELAND. Mr. Speaker, in the 88th Congress, my counterpart from the New Hampshire First District was then Congressman Louis C. Wyman, of Manchester. Congressman Wyman was a member of the Appropriations Committee and of its Subcommittee on Independent Offices, which handles the appropriations for the National Aeronautics and Space Administration.

Although limited as a freshman Member of the House, Mr. Wyman sought to increase American emphasis on the military role in space. He served as chairman of a subcommittee of the Republican space and aeronautics task force on the military role in space and twice filed minority views accompanying the Independent Offices Appropriations Subcommittee reports of 1963 and 1964 urging a priority for a U.S. weapons system in space.

These minority views, submitted by himself alone, appear in Report No. 824, 88th Congress, 1st session, October 7, 1963, and in the committee print of the independent offices appropriations bill, May 18, 1964. Congressman Wyman warned, in these reports 2 years ago, of the Communist space program's prime military orientation. This was prophetic in relation to our military space program and the recent decision of the Secretary of Defense and of the President to request funds for a manned orbiting laboratory from this Congress.

Congressman Wyman, in October 1963, filed minority views in part as follows:

As a first priority rather than racing to the moon, the United States should establish and maintain an integrated weapons system in inner space within manned space capsules that have a capability to observe, intercept and, if necessary, destroy other objects in space. Properly related to capacity to rendezvous with other capsules and ultimately with a manned space platform, our emphasis should be upon the military control of inner space as a prime and necessary objective * * *.

Deferment to priority military considerations is a policy "must" in view of money requirements and limited (fiscal) ability * * *.

The Soviet space program does not differentiate between military and civilian space efforts. Communist space exploration is integrated with their ballistic missile operations. Support and tracking facilities and personnel are military, as well as space, personnel. Their entire space operations are oriented toward their military potential.

Communist emphasis upon the military aspects in inner space programs renders present U.S. policy not to put weapons in space highly vulnerable to the serious objection that it is not in the best interest of our national security. It also raises the specter of possibility that the Communists may find and develop an entirely new method of warfare in space. This is a major concern in light of Communist objectives of world domination by force * * *.

And on May 18, 1964:

Maneuverable capsules in inner space, with military capabilities of observation and intercept, are an obvious necessity with responsible indication that the Communist space program is oriented toward just such a capability. We will look foolish with our two- and three-stage boosters behind a scientific junket should Communists continue their march toward world supremacy by having devised some new method of space warfare.

This month, in a nationwide column, the distinguished columnist, David Lawrence, in reference to the belated decision of the Defense Department to proceed with the MOL, said that former Congressman Wyman's minority views would "go down in history as a remarkable prophecy as well as an interesting example of how often minority reports become majority opinion."

Under unanimous consent, I am inserting the David Lawrence article, "Belated Decision on Space Defense," in the CONGRESSIONAL RECORD at this point. I commend its reading to all of my colleagues:

[From the Washington (D.C.) Star, Sept. 15, 1965]

BELATED DECISION ON SPACE DEFENSE

(By David Lawrence)

A belated decision—to spend billions for the defense of the United States in near space rather than concentrate solely on civilian trips to the moon—has at least been reached.

Military men have been arguing for a long time that Russia's primary interest in space development is military. The United States, on the other hand, has been emphasizing scientific research, the lunar exploration, and possible discoveries in the planetary field.

But it has begun to dawn on official Washington that, while it may not be as efficient to use nuclear weapons from space as it is from missile bases, there is a distinct opportunity to carry on accurate observation and other military missions from high altitudes.

President Johnson has just approved the building of a manned orbiting laboratory by the military after years of bickering inside the Government and continuous expressions of skepticism about the military value of space. But a closer look at Soviet programs and a satisfactory experiment with two Americans flying around the earth for 8 days have opened the eyes of everyone to the military possibilities.

Up to now, more than $12 billion has been set aside for manned space flights to the moon, and it has been planned to spend an additional $10 billion in that direction, together with billions more in other nonmilitary space programs.

But now the emphasis is changing. Although few details have been revealed, it is known that at least five or six major military-satellite programs now are underway. U.S. News & World Report, in a recent article, said:

"The Samos photo-intelligence satellites have exceeded all expectations, keeping the United States informed of Soviet missile sites, nuclear progress in Red China, and Communist troop movements in both countries. They parachute back pictures with 1,000 times the resolution of standard TV images.

"After an uncertain start, Midas infrared detectors are now able to detect Soviet rocket launchings by picking up telltale exhaust gases and translating them into electronic signals.

"The Ferret is a version of Samos, equipped for electronic intelligence and communications eavesdropping. It is said to be useful for monitoring radar and radio traffic near Russia's major rocket-testing sites, tracking down coded or scrambled transmissions and relaying them to U.S. listening posts.

"Other satellite systems are proving equally useful. * * *

"Transit satellites are furnishing missle-carrying Polaris submarines with precise navigation. Six Vela satellites—equipped with radiation detectors—are in orbit to make certain that Russia cannot, undetected, break the nuclear-test ban in space * * *.

"What is envisioned now are giant national space platforms at the center of military operations, directing fleets of interceptors and destroyers, rescue, and logistic vehicles. Each platform would carry 10 to 20 men, stay up for months and possibly years."

There are other plans having to do with possible futuristic weapons that might destroy enemy targets from outer space. These are still in the theoretical stage. But

one thing is clear—control of space by a single nation or group of nations would mean an end to any balance of power on earth.

It is interesting to note that on October 7, 1963, Louis C. Wyman, Republican, who was then a Member of Congress and formerly was attorney general of New Hampshire, submitted alone a minority report to the House Appropriations Committee, in which he criticized at length the administration's indifference to the military significance of space developments. He said:

"As a first priority rather than racing to the moon, the United States should establish and maintain an integrated weapons system in inner space within manned space capsules that have a capability to observe, intercept and, if necessary, destroy other objects in space."

Wyman's extensive report will go down in history as a remarkable prophecy as well as an interesting example of how often minority reports become majority opinion.

SUGAR PROPOSAL IS $1.4 BILLION BONANZA—RECORD OF SEVERAL SUGAR LOBBYISTS UNSAVORY

The SPEAKER. Under previous order of the House the gentleman from Illinois [Mr. FINDLEY] is recognized for 30 minutes.

Mr. FINDLEY. Mr. Speaker, the U.S. sugar market is temptation spelled in capital letters.

Under the 5-year Sugar Act proposal now before the Rules Committee, the Federal Government would distribute to certain foreign countries franchises of fantastic value.

At present prices, the 5-year value comes to about $1.4 billion. Assuming the foreign firms at least break even at the world market price, the $1.4 billion is pure profit—less lobbyist expense of course.

CHART A.—*Hourly wages paid to workers by foreign sugar producers*

Country	Agricultural workers	Industrial workers (refinery)
British West Indies:		
Barbados	$0.20–$0.22	[1] $0.17–$0.42
British Guinea	.22	[2] .19
Jamaica	.19–.21	.20–.50
Colombia	.18	.18
Guatemala	.10	.18
Philippine Republic	.12	[3] .26
Ecuador	.22	.21
Brazil	.18	[4]
Costa Rica	.15	.14–.18
Panama	.20–.21	.50
Peru	.12	.13
El Salvador	.07	.12–.45
Dominican Republic	.08–.30	.20–1.75

[1] Depending upon skill.
[2] Unskilled.
[3] Average.
[4] Not available.

NOTE.—On top of these wages there are some fringe benefits provided in these areas. Difficult to assess in money terms.

These figures are estimates and from a survey conducted by the Bureau of Labor Statistics. Survey provided by asking attachés abroad. Some are from a daily rate and are computed on the basis of an 8-hour day.

This $1.4 billion bonanza takes the form of quotas enumerated in the bill which entitled the lucky countries to sell specific amounts of sugar in the United States at our Government-controlled premium price.

They get almost as much per ton as U.S. producers who have much higher production costs.

To illustrate, Hawaiian canefield workers get over $2.50 an hour in pay and benefits.

Wages of farmworkers in foreign sugar producing areas in 1961 ranged from 7 cents to 30 cents an hour.

This means tremendous profit to foreigners lucky enough to get a U.S. quota.

At present prices, sugar brings $70 a ton more in the U.S. market than at world price. With the world price currently about $40 a ton, the comparable U.S. price—at $110 a ton—is nearly three times as high.

Assuming that foreign producers at least break even at the world price, the extra $70 a ton they get in the U.S. market is therefore pure profit. This is big money. One illustration of how big is an analysis of the dollar value of quota increases voted by the Committee on Agriculture. The committee increased quotas to 14 different foreign countries, compared with administration recommendations.

At present prices, the 5-year premium value of the increases is as follows:

CHART B.—*Countries which got sugar quotas in committee bill higher than recommended by administration*

[Short tons; raw value]

Country	H.R. 11135 as reported by House Agriculture Committee	H.R. 10496 as recommended by administration	Difference in tons	Premium value of difference (1 year)	5-year premium value of difference	Registered lobbyist
Brazil	340,925	221,558	119,367	$8,355,690	$41,778,450	Albert S. Nemir, 1016 Warner Bldg., Washington, D.C.
Peru	272,013	240,824	31,189	2,183,230	10,916,150	Arnold F. Shaw, 503 D St. NW., Washington, D.C.
British West Indies	150,397	122,017	28,380	1,986,600	9,933,000	Arthur L. Quinn, 1625 K St. NW., Washington, D.C.
Ecuador	50,267	49,770	497	34,790	173,950	Do.
Colombia	42,970	27,829	15,141	1,059,870	5,299,350	Ernest Schein, 815 15th St. NW., Washington, D.C.
Costa Rica	42,159	34,786	7,373	516,110	2,580,550	Sheldon Z. Kaplan, 1616 H St. NW., Washington, D.C.
Venezuela	30,809	2,676	28,133	1,969,310	9,846,550	Charles Patrick Clark, 500 World Center Bldg., Washington, D.C.
El Salvador	30,403	17,125	13,278	929,460	4,647,300	Sheldon Z. Kaplan, 1616 H St. NW., Washington, D.C.
Haiti	28,782	18,731	10,051	703,570	3,517,850	No lobbyist registered.[1]
Panama	25,134	14,449	10,685	747,950	3,739,750	Arthur L. Quinn, 1625 K St. NW., Washington, D.C.
British Honduras	19,864	4,281	15,583	1,090,810	5,454,050	Do.
Bolivia	4,054	None	4,054	283,780	1,418,900	Edward McCabe, of Hamel, Morgan, Park & Saunders, 888 17th St. NW., Washington, D.C.
Honduras	4,054	None	4,054	283,780	1,418,900	Sheldon Z. Kaplan, 1616 H St. NW., Washington, D.C.
Thailand	19,864	None	19,864	1,390,480	6,952,400	George M. Grant, 1619 Massachusetts Ave. NW., Washington, D.C.
Total					107,677,150	

[1] Haiti-American Sugar Co. has no registered lobbyist. Firm reportedly owned by a New York firm headed by Bradley Clark.

NOTE.—Premium value is computed at the rate of $70 a ton, which is the approximate quota. Premium value reported by USDA for the 6-month period ending July 31.

Of course, quotas to other countries were cut correspondingly. Some lobbyists and their clients were disappointed, while others were delighted.

I list this data only to show that what might appear to be relatively modest increases in quotas actually are worth millions of dollars.

This quota-increase value of course is only part of the temptation. As mentioned earlier, at present prices the premium value of all foreign quotas for the 5-year period is $1.4 billion.

That is a lot of temptation. It accounts for the zealous activity in Washington of highly paid lobbyists for foreign producers.

The only way to get rid of these influence-peddling lobbyists is to take the temptation out of the bill.

This can be accomplished by means of a recapture—or import—fee. This device was first used on a limited basis by President Eisenhower. It was later advocated by President Kennedy for the entire foreign quota, and in somewhat modified form enacted into law. Authority for the recapture expired January 1, 1965. Although the administration, by administrative action, extended the foreign quotas, it did not extend the recapture provision. Asked for an explanation, the General Counsel for the U.S. Department of Agriculture, Mr. John Bagwell, told me the basic Sugar Act granted general powers of sufficient latitude to extend the quotas, but the authority for the recapture was specifically limited to 1962, 1963, and 1964, and in his opinion could not be extended.

This means that the countries with quotas have had a bonanza this year never intended by Congress. This windfall will come to over $100 million before the year is over. A bill to prevent this unintended bonanza was introduced early this year by Congresswoman CATHERINE MAY, but was not called up for hearing in the Agricultural Committee.

A recapture provision was recommended last March to the administration and to Congress by a group of U.S. sugar interests called the sugar industry.

It was actually a watered-down version of the recapture provision which expired in 1964. It would have yielded to the U.S. Treasury about $80 million a year, or $400 million for the 5-year term of the bill.

This recommendation was at first embraced by the Johnson administration, then later dropped. One of the sugar lobbyists, Mr. Arthur L. Quinn, has been given credit publicly by Chairman COOLEY, of the Agriculture Committee, for rallying a Latin American protest of such magnitude that the administration dropped the recapture fee.

Why the protest was easily organized can be seen in the amount of pure profit involved. Who would not howl against a provision that would cut out $80 million a year?

WHO ARE THESE LOBBYISTS?

In my remarks to the House last Wednesday I dealt in some detail with the activities of the highly paid lobbyists who try to peddle influence in a way to get quotas for their foreign clients.

Members of the House should take an interest in these lobbyists. Several of them have been in the sugar barn, so to speak, for years. Several formerly got paid partly on a contingency basis, but the contingency provisions were dropped after they were severely criticized in a Senate hearing.

Two others have records that are especially unappealing. They are John A. O'Donnell, who represents Philippine sugar interests, and Ernest Schein, who represent Colombia sugar interests.

O'Donnell sugar clients are extremely well represented in the proposed legislation, as I mentioned last Wednesday.

Schein's client, you note in the table above, was put down for a quota of 27,829 tons in the administration bill, and was boosted to 42,970 in the bill reported by the Agriculture Committee. Five-year premium value of just the increase is $5,299,350.

For the convenience of the Members, I place below extracts from the O'Donnell and Schein record as summarized in the Congressional Quarterly 1963 Almanac, beginning on page 303.

Chairman FULBRIGHT, of the Senate Foreign Relations Committee, spoke of deceit, concealment, and subversion in describing O'Donnell's activities on Philippine war claims.

Senate hearings showed that O'Donnell had made contributions totaling $9,300 to 1960 congressional campaigns, using funds provided by the Philippine Government.

Schein was O'Donnell's associate. They split fees.

O'Donnell was charged with failing to comply fully with the Foreign Agents Registration Act.

So was the law firm of Surrey, Karasik, Gould & Greene, of Washington, a firm headed by Walter S. Surrey which represents sugar interests and testified in behalf of clients before the Agriculture Committee in connection with the current legislation.

Here are the extracts from the Congressional Quarterly:

PHILIPPINE WAR CLAIMS AMENDMENT BARRING LOBBYIST FEES

After prolonged debate, Congress in 1963 adopted an "anti-profiteering" amendment to the 1962 Philippine War Claims Act. The 1962 act had authorized $73 million to compensate Philippine citizens and firms for still-unpaid World War II damage claims. Sponsored by Senate Foreign Relations Committee Chairman J. W. FULBRIGHT, Democrat of Arkansas, the "anti-profiteering" amendment was first inserted in a supplemental funds bill (H.R. 5517) but was dropped from that measure at House insistence. FULBRIGHT then attached his amendment as a Senate rider to a minor, unrelated bill (H.R. 5207) authorizing overseas buildings for the Foreign Service. Somewhat revised in conference, the rider was retained in the final version of H.R. 5207. As enacted into law, the Fulbright rider had two major provisions:

1. It forbade any former member or employee of the defunct Philippine War Damage Commission to receive fees or commissions for helping individuals or firms submit benefit claims under the 1962 Philippine War Claims Act. Though couched in general language, this provision was aimed primarily against John A. O'Donnell, a former Philippine War Damage Commission member (1947–51), and Ernest Schein, a former Commission employee who had been O'Donnell's business associate since 1953 or 1954. After leaving the Commission in 1951, O'Donnell had worked actively for the legislation ultimately enacted as the 1962 Philippine War Claims Act. He also had represented numerous potential claimants under that Act. Under a provision of the 1962 Act, representatives of claimants could receive fees amounting to 5 percent of the award. According to the Senate Foreign Relations Committee, O'Donnell stood to gain $150,000 in fees from claimants as a result of the Act's 1962 passage. The 1963 Fulbright rider, however, blocked O'Donnell from receiving these fees. FULBRIGHT said O'Donnell and his associates deserved to be deprived of the fees because O'Donnell, while pressuring Congress over the years for enactment of the 1962 Philippine War Claims Act, had concealed from the legislative committees the fact that he stood to gain heavy fees from the bill's passage, and thus had deceived Congress and subverted the legislative process.

2. The Fulbright rider also forbade any claimant under the 1962 Philippine War Claims Act from receiving more than $25,000 on his claim. The $20 million or more which, because of reduced total payments resulting from the $25,000 limitation, was expected to be left over from the $73 million provided by the 1962 act, was to be set aside for Philippine-United States educational exchange programs. This provision was designed to prevent firms with very large claims from receiving most of the benefits under the 1962 claims bill. Instead, a large portion of the money was to be channeled (in effect) to the Philippine Government for the exchange programs. The provision reflected Fulbright's contention that the moral commitments underlying the 1962 claims legislation were to restore and aid the Philippine economy, and not to repay individual claimants as such.

Moreover, it was believed the $25,000 limitation would prevent Philippine firms with large claims from paying O'Donnell and his associates large commissions despite the prohibition in H.R. 5207, as they might if they collected a high proportion of their claims.

INVESTIGATION LED TO LEGISLATION

The 1963 Fulbright rider resulted from a Senate Foreign Relations Committee investigation of lobbying by persons representing foreign interests. FULBRIGHT April 26, 1963, said testimony showed that O'Donnell and his associates had, up to 1960, collected $1 million for representing Philippine interests in various capacities in connection with U.S. legislation and war claims, in addition to the $150,000 in anticipated fees under the 1962 Philippine War Claims Act. The hearings showed that while working for passage of the war claims legislation, O'Donnell had made 1960 congressional campaign contributions totaling $9,300 with funds received from the Philippine Ambassador.

* * * * *

THE 1963 PHILIPPINE CLAIMS HEARINGS

Congressional attention was drawn to the 1962 Philippine War Claims Act by the Senate Foreign Relations Committee's 1962–63 investigation of the nondiplomatic activities of foreign agents. Portions of the hearings involving Philippine claims are given directly below.

Documents and testimony from the committee's March 1 and April 18, 1963, hearings on the activities of Washington lawyer and lobbyist John A. O'Donnell showed that:

O'Donnell and Francisco A. Delgado, a Filipino and also a former Philippine War Damage Commission member, had corresponded in December 1951 and January 1952 concerning the establishment of an association of war damage claimants to obtain additional aid from the United States. In a January 13, 1952, letter to Delgado, O'Donnell said he would make "an effort to arouse enthusiasm and start the ball rolling" even though "I am afraid that enthusiasm on the part of the interested parties and the (Philippine) Government here have cooled off." At the March 1 hearing, O'Donnell testified that the association was "a figment of the imagination" and "just Delgado's idea" designed "to win some support or try to get a retainer to be actually honest about this thing."

O'Donnell listed the "Philippine-American War Damage Claimants" or the "Philippine War Damage Claimants Association" as an employer in registering with the Clerk of the House under the Federal Regulation of Lobbying Act but did not mention this connection, and was not questioned about it, when he testified in favor of the war damage bills before congressional committees in 1959, 1960, and 1962. He testified instead in the capacity of a former member of the Philippine War Damage Commission.

O'Donnell did not list his connection with the Philippines War Damage Claimants Association in registrations with the Justice Department under the Foreign Agents Registration Act of 1938.

He did, however, register with the Justice Department as an agent for the Philippine Sugar Association, and did note that he pressed for enactment of the war damage bill on behalf of the Philippine sugar industry, but for the period covering the payments to Congressmen in 1960 he did not detail his expenditures and did not include names of recipients as required by the act.

O'Donnell, October 7, 1960, received two checks totaling $18,000 from Ambassador Carlos P. Romulo at the Philippine Embassy in Washington. O'Donnell said he "assumed" the money had come from Philippine sugar interests.

* * * * *

Ernest Schein, former Philippine War Damage Commission chief examiner, had been O'Donnell's business associate since 1953 or 1954. They split fees on a 40–60 or 50–50 basis.

O'DONNELL CAMPAIGN CONTRIBUTIONS

Representatives: O'Donnell's testimony on the $9,300 in campaign contributions showed that 18 House Members received funds from him in 1960. Four were not reelected that

year. Of the remainder, nine later supported the 1962 bill to repay individual Philippine claimants the $73 million in the May 9, 1962 rollcall vote, four opposed it and one was unrecorded. The bill was defeated on the May 9 rollcall but was subsequently passed without further rollcalls. O'Donnell said the contributions were accompanied by a letter saying that "neither I nor my friends in the Philippines, for whom I occasionally speak, are expecting any favored position by reason of my small help."

FULBRIGHT STATEMENTS

Commenting April 18 on the hearings, FULBRIGHT said "the record is clear" that "very soon" after leaving the Philippine War Damage Commission, O'Donnell and Delgado had "conceived the purpose of obtaining enactment of further [Philippine war claims] legislation which would result in great financial benefit to themselves." In a July 9 floor speech he said, "The hearings * * * show that the drive both here and in the Philippines for last year's $73 million bill was promoted in large part by lobbyists who wrapped themselves in [the] respectability of their employment with the former Philippine War Damage Commission but in fact were being paid to represent some of the largest claimants."

FULBRIGHT, April 18, said the hearings had revealed "significant weaknesses" in the Foreign Agents Registration Act because "Congress, the State Department, and the Justice Department did not know that a powerful moving force" behind the legislation was "private gain rather than public welfare or national security." FULBRIGHT said the "legislative process has been subverted" and "both Congress and the Executive deceived" by persons seeking "personal gain." On April 26 he said that when testifying to congressional committees on war claims legislation, O'Donnell "always * * * left the impression that he was testifying as a former Commissioner and nowhere did he voluntarily disclose his personal financial interest."

FULBRIGHT added: "Our records show that in July of 1951, less than 4 months after Mr. O'Donnell left the Philippine War Damage Commission, he entered into arrangements for payments to him for work on further legislation and for representation on behalf of Philippine claimants (under the 1946 act) upon whose claims he had so recently passed judgment."

"These arrangements," FULBRIGHT said, together with fees for representing claimants under the later 1948–56 Philippine claims bills "ultimately resulted in payments to him and his associates by 1960 of over $1 million. I wish to emphasize that this amount does not include [an estimated $150,000 expected in fee] payments * * * under the bill passed in 1962."

Following the April 18 release of testimony, FULBRIGHT said he would press for legislation immediately to deprive O'Donnell and his associates of any commissions or fees under the 1962 Philippine War Claims Act. He also said that since the real purpose of the 1946 Philippine Rehabilitation Act had been to restore the Philippine economy, and not simply to pay off individual claims, he favored amending the 1962 Philippine War Claims Act, so that the $73 million payments it authorized would go directly to the Philippine Government, instead of to individual claimants. The Philippine Government could then use the funds as it chose, either to pay off individual claimants or for some worthwhile public purpose. FULBRIGHT said immediate action on his proposals was needed because payments of some claims under the 1962 law was imminent, but "no action should be taken by Congress or the administration which would violate any understandings or pledges" between the United States and the Philippines.

* * * * *

FOREIGN AGENT INVESTIGATION

The Senate, July 12, 1962, adopted Senate Resolution 362, authorizing $50,000 through January 31, 1963, for a Senate Foreign Relations Committee study of lobbyists in the United States representing foreign interests and the extent to which they attempted to influence U.S. policies.

An important feature of the study concerned the scope and effectiveness of the Foreign Agents Registration Act of 1938, as amended, which requires firms and persons (other than diplomats) who represent a foreign government or other foreign principal in the United States, to register with the Justice Department. The registrant must describe the nature of the work he plans to do for the principal, list all his offices and employees, list the principal's activities and report all funds received and spent in the United States and propaganda disseminated. Violation can bring up to 5 years in jail and a $10,000 fine.

A staff study issued July 22, 1962, by the committee said the Justice Department had only sporadically enforced disclosure requirements under the act, with strict enforcement limited to agents of Communist countries. Chairman J. W. FULBRIGHT, Democrat, of Arkansas, said there had been an increasing number of incidents involving attempts by foreign governments, or their agents, to influence the conduct of American foreign policy by techniques outside the normal diplomatic channels.

The commitee conducted studies but held no open hearings in 1962 on foreign lobbying. Its mandate for the investigation was extended to January 31, 1964, by Senate Resolution 26, adopted March 14, 1963, by the Senate.

In February and March 1963, the committee continued investigations and held closed hearings on foreign lobbying, later releasing the testimony. It began open hearings June 14, 1963.

* * * * *

June 30: The committee released testimony taken earlier in executive session from members of the Washington, D.C., law firm of Surrey, Karasik, Gould & Greene. Testimony alleged that the firm, under contract to the Dominican Republic Sugar Commission from 1954 to 1956 to lobby for a larger Dominican share of the U.S. sugar import quota, had failed to fully report the terms of its contract to the Justice Department; had not reported the complete fee which it received for its services; and had attempted to engage an Alexandria, Va., law firm to influence Senate Finance Committee Chairman HARRY FLOOD BYRD, Democrat, of Virginia, before whose committee sugar legislation was pending.

Walter Sterling Surrey and Monroe Karasik, partners in the law firm, were questioned at length about their relationship with the Trujillo regime, especially about a memorandum sent to the head of the Sugar Commission under Karasik's signature. The memorandum said that Karasik's firm had contacted a powerful law firm in BYRD's home State which would work with the Sugar Commission to arouse the Senator's sympathy for a larger Dominican sugar quota.

Karasik was shown evidence that he endorsed a $2,500 retainer check drawn by the Dominican Republic for the Virginia firm, but said he could not remember the memorandum or the check. Senator BOURKE B. HICKENLOOPER, Republican, of Iowa, said he found Karasik's loss of memory hard to believe and my disgust is complete. (Karasik later testified that the check might have been faked by the Dominicans. He said it was common practice for the Trujillo regime to siphon off public funds by showing the money to have gone to a legitimate business endeavor.)

Samuel Efron, a former member of the law firm and currently a New York attorney, testified on the second day of hearings that it was he who had attempted to enlist the support of the Virginia law firm of Bendheim, Fagelson, Bragg, and Giammittorio, but that they declined the offer. Efron said he puffed up the firm's relationship with BYRD in a cable to Karasik who was in the Dominican Republic and Karasik may have puffed a bit to impress Dominican officials. (Bernard M. Fagelson, senior member of the Alexandria firm, testified that Efron's reference to his firm as powerful and influential with BYRD was absolutely ridiculous.)

July 2—The committee released testimony taken earlier from Michael B. Deane, a Washington public relations man contracted by the Dominican Sugar Commission from August 1960 to September 1961 to lobby against withdrawal of the 321,857 tons of sugar reallocated to the Dominican Republic from the former Cuban sugar quota.

At the outset of the hearing FULBRIGHT cited the Deane case as one in which a public relations adviser "apparently filed exaggerated and sometimes inaccurate reports to his (foreign) principal * * *" which could lead "not only to an increase in the lobbyist's remuneration but also to contempt on the part of the foreign client for U.S. institutions."

Deane testified that he, too, may have "puffed" about his influence among Members of Congress and administration officials but that he was hired by the Dominicans because "I am a pretty knowledgeable fellow around Washington." He agreed, when queried further by FULBRIGHT, that he had misrepresented his influence by falsely writing officials of the Sugar Commission that he had been "invited by the President" to a White House luncheon and had "talked with" Agriculture Secretary Orville L. Freeman. Deane said he occasionally gave himself "too much credit," but "one tends to do that a little bit when they have a client who is outside of Washington."

* * * * *

Related development: November 27, the Justice Department released its annual report to Congress on the admiinstration of the Foreign Agents Registration Act. It showed that in calendar year 1962, nearly $30 million, the greatest proportion of which went for legal services and public relations, was reported as being received by persons and firms in the United States representing foreign governments and principals. Of the $30 million, Washington lobbyist John A. O'Donnell reported receipt of $45,584 from the Philippine Sugar Association and the National Federation of Sugarcane Planters of Manila, Ernest Schein reported receipt of $28,122 for representing three Colombian sugar firms.

CONTINGENCY FEES DELETED

The practice of basing representation fees partly on contingency was in vogue until the 1963 Senate hearings. Since then, according to information filed with the Justice Department, none of the compensation is based on contingency.

Compensation payments, however, are sometimes irregular.

For example, a statement filed by O'Donnell for the 6-month period ending January 29, 1965, shows a considerable amount of extra income. The report includes this statement by O'Donnell:

January 1965 representation allowance and expenses shows an increase from $3,000

to $4,000. This is not in my opinion a modification of my agreement with the planters. It was a material expression of gratitude—a voluntary act of generosity for my services in connection with their work on cooperatives.

O'Donnell's compensation from the Philippine Sugar Association is reported at $1,500 a month salary with expense account "not exceeding $500 a month for transportation and $500 a month for office expense." However, his statements filed February 18, 1965, and September 2, 1965, show $2,100 a month from this group for "representation allowance, salary, office, and general expenses."

In addition, he reported getting $3,000 from the National Federation of Sugarcane Planters—Philippines—on May 19, 1965, and $4,000 on January 4.

His February 18 report showed two compensation payments on December 21, each in the amount of $1,000.

Lobbyists who formerly got contingency fees include Oscar L. Chapman of Chapman and Friedman, representing Mexico. An agreement dated December 30, 1954, by the Mexican Government showed remuneration at $20,000 a year plus 25 cents per ton in increase in basic or permanent sugar quota. An agreement dated January 11, 1961, increased this annual fee to $50,000, and the contingency arrangement was later deleted.

The Dawson, Griffin, Pickens & Riddell firm, representing Indian Sugar Mills Association, under an agreement signed May 21, 1962, was to get $50,000 if the Sugar Act Amendments of 1962 extended the Sugar Act of 1948 for a period of only 1 year. If the extension amounted to 2 years or more then payment would be $33,000 a year, not to exceed $99,000, with expenses not to exceed $5,000 a year and not to exceed a total of $15,000. This agreement was modified by a letter dated June 21, 1965, which set for the compensation "at a rate of $20,000 per year, not to exceed $100,000 for so long a period of time as the foreign quota provisions of the Sugar Act. If the act is not extended, then compensation shall be $20,000 a year, expenses not to exceed $5,000 a year in either event."

Albert S. Nemir, representing Brazilian Sugar and Alcohol Institute, was to get a minimum fee of $35,100 per year for 1962 and 1963. The agreement also provided a commission of 25 cents per metric ton of Brazilian sugar effectively shipped from Brazil to the U.S. consumers market. The compensation agreement filed with Justice Department said:

> The commission referred to in the present clause, plus the minimum fee for 1 year as established under clause 2, cannot under any condition exceed yearly the sum of $95,200.

A memo filed March 9, 1963, indicated the agreement covered a period to December 31, 1963, and provided a minimum fee of $25,000 a year. No fee income has been reported since December 31, 1962.

The most recent income reported was $31,511.06 received December 31, 1962. This was for the 6-month period which ended March 9, 1963.

JUAN BOSCH'S DEMAND FOR U.S. DAMAGES IS ARROGANT

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. ROGERS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ROGERS of Florida. Mr. Speaker, former Dominican President Juan Bosch's demand that the United States pay $1 billion in damages for its role in preventing the Red takeover of Santo Domingo is arrogant.

This demand is nothing but an attempt to boost Bosch. While other Dominicans are trying to be constructive in their country, Bosch is adding to chaos by acting in his own self-interest. If he is such a Dominican patriot why did he wait until the shooting stopped to return to his country.

A total of over $15 million in U.S. aid was extended to the Dominican Republic last year.

That country still owes us over $100 million in loans. While they are being repaid according to schedule, Bosch is doing little to further cooperation between the United States and the Dominican Republic.

RETIREMENT OF DR. LUTHER L. TERRY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. JONES] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. JONES of Alabama. Mr. Speaker, I wish to pay tribute today to an eminent Alabamian, who has achieved a remarkable and enviable record in the field of health and medicine. I refer to Dr. Luther L. Terry, who retires as Surgeon General of the U.S. Public Health Service on September 30.

Dr. Terry leaves his post to take up new duties as vice president in charge of medical affairs of the University of Pennsylvania, where he will continue to contribute effectively to the strength and skills of the medical profession. He will administer the affairs of the schools of medicine, dental medicine, veterinary medicine, nursing, and allied professions as well as the activities of the university hospital and the graduate hospital. Each year he will be responsible for the professional training of some 2,000 men and women.

In recent years, Mr. Speaker, the Congress has recognized through legislation the critical need for expanded training opportunities in the medical profession. It is indeed gratifying to know that a leader of the caliber of Dr. Terry is enlisting in this tremendously vital drive to bring the American people improved and advanced medical services.

Dr. Terry is a native of Red Level, Ala., where his father was a general practitioner of medicine. Much of his earlier instruction in medicine and medical training was received in Alabama schools and hospitals. Alabama is justifiably proud of this.

Dr. Terry made his mark at the National Institutes of Health where after 8 years of distinguished service he was named Assistant Director of the National Heart Institute. President Kennedy appointed him Surgeon General in 1961.

I have worked with Dr. Terry on legislation but more importantly I know him as a friend. He has given much to the medical profession, to his State, and to his Nation.

He has been a dedicated and conscientious public servant, Mr. Speaker, and the Public Health Service will miss his leadership.

But knowing the man, I know he will continue to serve his country and his profession. I salute Dr. Terry and wish him Godspeed.

AN ANALYSIS OF THE ANTI-POVERTY PROGRAM

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. DENT] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, one of the most important achievements of this Congress, in my humble opinion, was the passage of the antipoverty legislation. The commitment of this administration to fight to end poverty in our midst—a new idea in organized government—was met, as are all new ideas, with controversy, and criticism. Criticism of the program is ofttimes based upon a complete ignorance of the concept of poverty.

When I was a small boy in a coal mining camp, many of our citizens considered poverty a way of life and not a blight upon the body politic or a serious concern of the Nation as it really was and is now. It is refreshing, therefore, to read a series of articles not specifically an out-and-out endorsement of the program as it is in being, but at least an analysis to be absorbed in the evaluation the articles undertake.

Petty political bickering and expansive publicity that appeared early in the administration of the program have acted as a deterrent in getting it on its way to achieving the goals intended.

I believe every Member of Congress should read these articles from the National Observer, a national newspaper covering the subject not on a local or regional basis, but from a view of national impact. These articles should be read so that blind criticism may be tempered with a better understanding of the problems involved.

I myself have been critical of some of the specifics in the administration, particularly under Head Start where we

are attempting to teach fundamental language, reading, and writing in a vast area of need. This criticism, however, is only because of my impatience as well as that of many others to get on with the job and to get the program in full swing, and is not aimed at the persons charged with the responsibility of administration.

I pray that Members will read these articles and then take a firm look at the antipoverty war and take a little pride in the knowledge that they have been a part of the first drive made in human history to relegate poverty as such to the dark days of the past, a part of the drive to move forward with hope and desire to eliminate want and need so that ignorance and hunger may no longer be a part of the American scene.

Mr. Speaker, the articles from the National Observer follow:

[From the National Observer, Aug. 16, 1965]

LEARNING ABOUT SLUM LIFE: EYE-OPENING TRAINING FOR VISTA'S VOLUNTEERS

BALTIMORE.—"A bunch of us went downtown to a movie. We saw people nicely dressed; and, in a way, it was a nice feeling to be back with this kind of people. But then, after the movie, here we were walking down Pratt Street back to the slum. It made us realize how blind we were in the past—bypassing everything by taking the expressway back to the suburbs."

These comments come from 20-year-old Wayne Dorris of Boston, who recently graduated from an intensive 6-week training course conducted here by the University of Maryland School of Social Work. Mr. Dorris and his 26 fellowgraduates are now at work in a variety of assignments: Employment counseling in Atlanta, youth work in Detroit, legal counseling in San Francisco, or neighborhood-center work in Durham, N.C. They are among the more than 1,000 VISTA (Volunteers in Service to America) volunteers now in the field as part of the Office of Economic Opportunity's war on poverty.

All of the VISTA volunteers have received instruction at one of 20 training centers over the country. The Baltimore center was one of the first established and has influenced the pattern of the other centers, which are aimed at preparing volunteers to face the problems of urban poverty.

THE MOST LASTING LESSON

Mr. Dorris' recognition that his eyes were previously closed to the poverty around him is perhaps the most lasting lesson the volunteers can be taught at these centers. "We are dealing with middle-class people coming out of the middle-class background," says Ernest M. Kahn, the 39-year-old social worker who heads the training center. "They must face the question: 'How do I really feel when I get involved with the dirt and grime of poverty?' "

Adds Mrs. Patricia M. Keith, assistant director: "A good part of the purpose of the assignments is to get the trainees used to observing and seeing. We are trying to help them learn how to see what's happening around them."

The assignments Mrs. Keith alludes to include fieldwork 3 days a week in which the trainees are placed with a number of social or welfare agencies to work on actual cases under direction of agency staff members. The assignment might be to a boys' club, city hospital, family and children's society office, or neighborhood community center.

OBSERVE, TALK, AND REPORT

Then there are the weekly observation assignments in which the trainees in small groups take the bus to places where they can learn how the poor live—public-housing projects, public markets, health clinics, pool halls, or flophouses. The trainees are asked to observe and talk to people and write a report on what they have seen.

"We want these people to develop some ability and some skill at visiting with the poor," says Mr. Kahn. "They get so they're not shocked at the stench of urine, for example. And they begin to deal with these people as people; after a while they are able to offer some specific help. Often, they have the time to do things that the harassed regular social worker for the agency just doesn't have time to do."

Mr. Kahn cites the case of a girl assigned to Hopkins Hospital, who was told to follow up a case of a mother who failed to give her child medicine prescribed by the hospital. The trainee found that the mother wasn't following instructions because she didn't know how to tell time. In half an hour the trainee was able to teach her and straighten out the problem.

The training program also includes lectures by social work professors and welfare-agency executives on various aspects of the poverty problem: Mental health and poverty, family life in the slums, health services for the poor, and the like. There are also Saturday morning workshops at which specific skills are taught, such as tutoring, homemaking, group leadership, community organization, folk dancing, and creative arts. Each week in three 2-hour seminars, led by experienced social workers, the trainees discuss questions raised in their fieldwork, observation, and lecture assignments, and also talk about their own attitudes about poverty and the training program.

These sessions not only enable the volunteers to crystallize their impressions, but allow VISTA officials to evaluate the volunteers preparatory to the inevitable screening-out process, which includes several interviews with a clinical psychologist. Out of the 34 candidates who started this particular 6-week cycle, 4 were dropped and 3 others quit. The final decision on dropping a volunteer is made by a six-man board of three training-center staff members and three VISTA staffers from Washington. The sessions also help the volunteers gain an insight into their own motives for joining VISTA.

Says Oscar Carter, the training placement officer: "For one thing, they're getting away from parental domination. For a lot of them it's their first time away from home on their own. Secondarily, there's an altruistic motive; they want to help people less fortunate than themselves. And there are quite a few who are trying to determine their professional direction. They are using this as a practical test of whether they want to work for a public service agency."

A CLEAN SHEET OVER THE BEDBUGS

"I haven't been as excited about anything in my life," says Ann Weinhold, 22, of Ithaca, N.Y. Miss Weinhold describes one 3-week effort to clean up a three-story house where an 81-year-old woman, crippled by arthritis, and her 69-year-old diabetic husband lived.

"There were ratholes in the kitchen. And when we came to change the bed linen, there were literally thousands of bedbugs crawling on the beds. To get rid of them, you'd have had to destroy the mattress and burn the sheets. We didn't have the authority to do that; so we put clean sheets on top of the bedbugs and at that point, it was up to the sanitation department and the public health nurse."

Says another of this crop of trainees, 20-year-old Marilou Hunt of Lehman, Pa., "I had never seen a slum until I came to Baltimore. The first time I walked in that kind of neighborhood, I got called nasty names, and it really shocked me."

The problem of developing meaningful communication with the poor struck home to a number of the trainees. Eric Metzner, 24, of Tucson, did his field work in a Negro boys' club. "There was a tremendous problem in trying to talk to the boys on a level of other than 'Let's play ping-pong,' " Mr. Metzner says. "They were all colored kids—and you're white. So they assume you're a social worker; and why talk to a social worker?"

THEY WERE WORLDS APART

Twenty-year-old Henry Garland of Bergenfield, N.J., who developed a tutoring program at the same boys' club, reported a similar experience. "The kids were very reluctant to talk to a white person," Mr. Garland says. "It was their world and our world; they had a way of communicating among themselves that set them apart. Many of them had a sense of being satisfied with what they had; they knew they would grow up to be the useless black males you'd see around that area, and that was that."

But with a few of the youngsters, Mr. Garland was able to make real headway as a tutor. And this gives him hope. "If you can establish ties like that in only 6 weeks, in the year we're going to be working, well, poverty won't be unheard of after the year," he says, "but some few people might have been helped."

GETTING NEW PERSPECTIVES

Preconceptions about the poor were altered for many of the trainees by the 6-week course. Says David Meador, 21, of San Antonio, who joined VISTA after 2 years of college:

"I had read all these books, and I thought I had these people pegged. But I found the people I met to be intelligent and sensitive to a tremendous degree, to have great concern for their families, and to want to better themselves—characteristics which I didn't expect to find. There were those who were unintelligent and lazy, but not to the degree I anticipated. Many were people who really wanted to do something for themselves and their kids, and were just not able to do it."

Adds 19-year-old Marilyn Watts of Denver, a former Colorado University freshman, "I doubt very much that I'll ever be able to go back and think like my friends again."

The trainees had indeed changed over the 6-week period. And, if most of them would carry little in the way of skills or work experience to their VISTA assignments, they might well make up for that deficiency in the enthusiasm and dedication of youth.

In his final talk to them, the day before they left for their permanent VISTA assignments in the field, Mr. Kahn warned them not to expect Utopia: "All kinds of things can happen. Don't expect the fire department band to be on hand, and everything laid out for you when you arrive."

JAMES R. CONANT.

[From the National Observer, Aug. 16, 1965]

HOW PROJECT HEAD START IS WORKING: YELL COUNTY GETS A HANDLE ON POVERTY PROBLEM

OLA, ARK.—Cindy is a 5-year-old girl with delicate features and flowing black hair who had never seen an elephant. But last month she and her 39 classmates at a local school in Yell County here boarded a bus, clutching their picnic lunches, and drove to Little Rock, 90 miles to the east. There, at the zoo, she saw an elephant. "It had a long nose," she exclaimed last week. "It was bigger than a turtle. Bigger than my daddy." Now she draws pictures of elephants in watercolors, and pictures of herself, which show a girl with spindly legs, a round stomach, and a grin on her face.

Cindy doesn't know it, but the trip to the zoo, the watercolors, the songs she's taught to sing, the nourishing lunch she's served in school, the games she's taught to play—even the contests to see who can wash his hands the cleanest—all are designed to

prepare her for entering first grade next month. For Cindy is one of those 500,000 children who are enrolled in the Federal antipoverty program's Project Head Start, the program aimed at bringing youngsters from what sociologists call "culturally deprived" homes closer to the level of the classmates they will soon meet. The program originally was planned as an 8-week summer project, but the response has been so good, said Federal Antipoverty Director R. Sargent Shriver last week, that the Government will make Head Start a year-round project.

Rural Yell County, where a steadily declining population (now 12,000) exists on an average family income of $2,600 a year, is a good place to see Project Head Start in operation. It is a county where girls and boys from homes like Cindy's have traditionally quit school long before graduation. There are as many adults here with less than an eighth-grade education as there are with more.

SCANT SCHOOLING IS NO BAR

One reason for the high dropout rate is that a limited education has never served as much of a handicap. Yell County residents could make a living on family farms growing row crops like corn and cotton, or find employment in one of the sawmills and woodpulp factories that process timber from the area's deep forests.

But things are changing, here as in other rural areas. Increasingly, larger farms are squeezing out the small producer, and cutbacks in the timber industry have idled many. To provide steady employment and curb the steady population loss to the cities (15 percent since 1950), county leaders are seeking to attract new industry and develop the area's lakes and woods for recreation. Industry's demands for a skilled labor supply have spurred the county to establish an antipoverty program, with the emphasis on education. Project Head Start is part of the effort.

Explains Mrs. Hazel Marcum, a fourth grade teacher, who directs the local Head Start project: "A lot of kids show up for the first day of school showing serious effects from neglect. They don't have shoes, or they're not clean. Some from large families can't say more than a few words. They can't keep up in class, and they're laughed at. It doesn't take long before they lose interest."

WHAT THE CHILDREN ARE TAUGHT

To prevent this year's crop of first graders from being laughed at, the Federal Government is pouring $84 million in antipoverty funds into Head Start projects in 2,300 communities. Yell County's program cost $49,000, 90 percent of it to be paid by the Federal Government. The county will pay the rest. At half-day sessions in the county's 7 schools, 233 pupils learn to recognize colors and shapes, to use scissors, listen to music, recite nursery rhymes, and identify simple household objects like a toothbrush and a bar of soap.

In addition to the zoo, the youngsters have been taken on trips to a supermarket, a dam, a movie (Walt Disney's "Cinderella"), a library, and to Arkansas Polytechnic College in nearby Russellville, where an unexpected attraction proved to be the public restrooms. "Many of them had never seen indoor plumbing before," a teacher explained.

Visit the Ola School here, and you get an idea of the problem. A few faces are gaunt. One child has burns on her chin, which her teachers think might have come from huddling too close to a stove to keep warm. Mrs. Marcum points to a thin girl at the corner of a table who is rubbing her eyes, and whose dress hangs down almost to her ankles.

"We had a devil of a time getting her here," she says. "It took three visits to the home before her mother would let her come. Some of the other children in the family have never been to school. Their mother said there was no use sending them.

SHE'S GETTING ANIMATED

"When we finally got her, she didn't eat her snack (of milk and cookies) in the morning, or her lunch for 3 days. Just chewed bubble gum off in a corner and rubbed her eyes. Now she's eating and beginning to talk to the other children. At the zoo, she jumped around like crazy, and she talked the whole way back on the bus."

But these children are exceptions. Most are normal, healthy, and active. "Want to look at my coloring book?" one of the class' two Negro pupils asks. He wants a visitor to see a crayon drawing he did, a caged hamster, and a plant that he and other youngsters take turns watering.

If you judge Head Start as an experiment in cultural enrichment, it seems to be working well here. The children benefiting by 8 weeks of special summer schooling are indeed from impoverished homes. A ratio of 1 teacher for each 16 pupils assures personal attention to each child's needs, and the work of the teachers is supplemented by 14 teacher aides, most of them college students or graduates.

But Head Start is not without its problems here, and those problems are reflected in the experiences of other Head Start communities across the Nation.

Antipoverty officials in Washington argue that if the opportunity offered to Head Start youth is to have any lasting effect, it must be reinforced in the home. The program, therefore, provides for employing parents of the children as paid volunteers in the schools (as teacher aides and recreation leaders, for example), and for extending community services to help parents with family problems. Under the Yell County program, five home economists have been hired to teach low-income mothers proper budgeting, cooking skills, nutrition, and health care.

But this part of the program has met with little success. Says Boss Mitchell, Yell County antipoverty director: "When some of these mothers are working 8 or 9 hours a day they don't feel like going to a meeting at night to learn how to run their home. Some who aren't working wouldn't be good examples for the kids in school. Or they have a feeling that their clothes aren't good enough or their hair's not fixed right."

Medical treatment is another problem. Every youngster in Head Start is to be given a complete health checkup. Under Yell County's budget, local physicians are paid $2 and local dentists $2 for each examination they give. But Washington has made no allowance for correcting the deficiencies detected. Examinations on local children here have revealed deficiencies, including bad teeth, malnutrition, possible tuberculosis, and one child suffering from a heart defect. Mrs. Marcum hopes that local welfare funds will be made available to treat some children, but she has no assurance of it.

Head Start officials in Washington acknowledge these problems. "This parental involvement thing has not gone as well as we think it can go," says Jule M. Sugarman, the program's deputy associate director, "but we've made a start." Head Start administrators say they anticipated that some medical problems might go uncorrected, but they reason that uncovering the deficiencies is an achievement nonetheless.

SOME SIDE EFFECTS

Though it is too early to assess the results of Head Start, the program has already had some notable side effects in Yell County. It is the first major project undertaken jointly by the county's seven autonomous school districts. In the past, programs such as foreign-language instruction or music that no single school district could support have sometimes been abandoned because of lack of cooperation among the districts. Head Start also appears to have wiped out the last vestiges of racial segregation in county schools. Washington insisted on countywide integration as a condition of releasing Head Start funds. Finally, the project has set precedent by keeping school doors open during the summer months.

Local officials now seek to employ county schools as a year-round weapon in the antipoverty program. Twenty-six adults are learning to read and write in new basic education classes. Vocational-training courses have been proposed to teach new skills to the jobless. Remedial reading classes for potential school dropouts, begun this summer, will be expanded when the fall term begins. And if Washington approves the county's $150,000 request for a continuation of Head Start, next year's crop of low-income first-graders may get a heavier dose of preschool training than was available this summer.

"I don't guess we have any more of a poverty problem than a lot of other areas," says county antipoverty chief, Mitchell. "But we've got a handle on our problem. With a little bit of education, maybe we can lick it."

MARK R. ARNOLD.

[From the National Observer, Aug. 30, 1965]

"SUBPROFESSIONAL"—THREAT TO WELFARE WORKERS?: HOW SELF-HELP IS A KEY IN THE WAR ON POVERTY

PITTSBURGH.—A vast army of antipoverty workers is prowling the Nation's slums, invading schoolrooms and hospitals, and providing in the process both a service and a challenge to the professionals who guard the Nation's traditional health, education, and welfare institutions.

In the war on poverty's most direct self-help effort, local community-action agencies across the country have recruited 15,000 slum residents—people whose knowledge of poverty is firsthand. Fresh from the welfare rolls or the ranks of the unemployed, they are whisked through quickie training courses, put on salaries of $4,000 to $5,000 a year, and sent back to the slums where they grew up to help lift their neighbors from poverty. Washington officials say their ability to communicate with the poor often makes these grass-roots antipoverty workers more effective than trained professionals who have worked the same areas for years.

In Pittsburgh, 250 of these neighborhood workers, or "subprofessionals," already are on the antipoverty payroll. They are helping the needy find jobs and housing, assisting slow learners in slum classrooms, directing troubled families to agencies that can help them, and teaching homemaking skills to needy mothers.

A THREAT TO STANDARDS?

The practice has serious implications for the professionals in the field of social welfare. Some social workers see a potential threat in the prospect of untrained workers performing the tasks they spent years preparing for. Many local school boards are resisting pressure to let subprofessionals into the classrooms. The major professional organizations have met with Sargent Shriver, Director of the antipoverty program, to seek assurances that they will not be bypassed by the program.

So far, however, Mr. Shriver's lieutenants have encountered less resistance than they anticipated. They stress that neighborhood workers can free the professional from routine chores—recordkeeping in hospitals, lunchroom supervision in schools—that prevent him from making full-time use of his training. They argue, too, that the work of the neighborhood workers can help bridge the gap between the demand and supply of trained health aides, teachers, and social

workers. Antipoverty officials estimate that 10,000 vacancies for social workers exist in the Nation.

WHERE THEY MAY EXCEL

But the criticism could grow in the next few months. The number of subprofessionals will rise to 66,000 by mid-1966. As these workers advance through the ranks of local community-action programs, they will increasingly be seated opposite the professionals on decisionmaking boards. Obviously, no one intends that amateurs should try their hand at treating mental or physical disorders, or tackle other sensitive problems requiring a high degree of specialization. But Washington suspects there are many jobs traditionally held down by professionals at which neighborhood workers can excel. Direct-contact social work is one. Teaching slum children is another. Says a Federal community-action official: "Sometimes a school dropout can communicate better with a poorly motivated slum kid than the teacher can. Why shouldn't he be allowed to try?"

If nothing else, the use of subprofessionals will test the validity of the standards that professionals set up as qualifications for entry into their ranks. Some critics contend these standards are artificially high, and serve only to deny needed services to the poor.

Pittsburgh's community action program gives some clues to the variety of ways in which the poor are being recruited to help their neighbors.

Under a $95,000 contract with the mayor's committee on human resources, the local antipoverty agency, the board of public assistance has taken 30 mothers off relief and trained them to teach cooking, sanitation, and other skills to needy mothers in the home. The board's usual qualification for such work: a college degree in home economics.

Pittsburgh's Board of Education is using antipoverty funds to hire 167 subprofessionals to work with regular teachers in the classrooms. The usual qualification for teachers: A college degree with 18 hours of education courses.

Antipoverty lawyers will break new ground in the next few weeks by hiring subprofessionals to set up interviews, gather information, and interview parties in welfare, credit, and housing disputes.

The county health department has hired 56 subprofessionals to interview welfare families needing health care, to comfort the sick, to identify basic illness, and to staff mobile clinics in impoverished neighborhoods.

WORKING IN EIGHT TARGET AREAS

Other local agencies with antipoverty contracts from the mayor's committee are training the poor to work out of neighborhood service centers in the city's eight target areas—the areas where the city is waging its antipoverty war. These subprofessionals are conducting job-placement interviews, helping the needy find clothing and housing, leading night classes in consumer counseling and home repairs, and serving as caseworkers.

Mrs. Audrey Glenn, 31, the mother of three, is a caseworker. A high school dropout, she was a welfare recipient for 7 years before being plucked from the relief rolls by the mayor's committee. After 3 weeks of training, she was sent back to the slums of the city's Hill district, where she grew up, to help her neighbors.

Mrs. Glenn sees her role as "part counselor, part real estate agent (she finds housing for people), part taxi driver to take people who need help to the hospital, and part traffic cop to direct them to the services that are available."

David G. Hill, Pittsburgh's 32-year-old community-action director, considers Mrs. Glenn and her fellow neighborhood workers the nucleus of the city's $9 million antipoverty program—and the chief hope for its success. "The biggest problem when you're dealing with the poor is one of communication," he says. "All kinds of agencies have been seeking to help the poor for years. At the same time you have all these people who need help and don't know where to turn. They don't read the papers. They don't get the message on TV. They're suspicious of outsiders. These subprofessionals are our connecting link. They have faced the same barriers and speak the same language. People open up to them."

Mrs. Glenn has met little resistance to help on her rounds in the Hill district. She recalls a Negro woman she met pushing a baby carriage down a cobblestone street. "I said, 'What a cute baby you have.' She said, 'It's not mine, it's my daughter's.' I asked, 'Where's your daughter?' And she said her daughter was in the hospital having another baby." With a few more questions, Mrs. Glenn learned that the baby's father was about to be drafted, that the couple was not legally married, and that the rent might not be paid on time. Since then she has been working with the family and city agencies to help straighten out their problems.

AIMING FOR INSTITUTIONAL CHANGE

But the neighborhood workers have a role that goes beyond breaking down the barriers of suspicion that many troubled families erect toward outsiders.

Often, antipoverty warriers insist, traditional welfare programs have ignored the people who needed their services most. This happens, they say, either because the programs are designed to conform to the administrators' concept—often mistaken—of the needs of the poor, or because of arbitrary bureaucratic restrictions. The neighborhood workers "identify with the poor," says an antipoverty official.

With the bait of antipoverty funds, Mr. Hill's agency is trying to entice welfare services—from Salvation Army to public assistance and Traveler's Aid—to reexamine their programs. In a sense, the city's antipoverty program is the tail that seeks to wag the welfare dog.

FATHER IS DISHWASHER

Wagging the welfare dog is not always easy, as Mrs. Glenn knows from her own experience and that of the people with whom she now works. She cites the example of the woman she met with the baby carriage:

"When the daughter came home from the hospital, I went to visit her. She and the children's father have a two-room apartment that's horrible, and it costs them $100 a month. He's making $40 a week as a dishwasher. His mother had been on welfare. He's a high school graduate and bright enough to be in college, but no one ever took an interest in him. Now that he's about to be drafted, he could be deferred since he has a family to support. But he can't prove he's got to support his family to the draft board unless he produces a marriage license or a notarized statement saying they're his children. I want to get them married, but he doesn't have the $15 for a blood test, which you need to get married. I'm trying to get welfare to lend him the money for the blood test, but they're dragging their feet."

Much of Mrs. Glenn's work—and that of Mr. Hill—involves persuading agencies to be more responsive to people who need help. One official calls this "breaking down the bureaucratic mentality that makes some administrators consider human problems as just more paperwork."

AN INCENTIVE TO REFORM

Mr. Hill concedes that "promoting institutional change" is a difficult job. "Some of the agencies resist new ideas," he says, "and new ways of dealing with problems. The whole idea of citizen participation is foreign to them." But he believes that the threat of cutting off an agency's antipoverty subsidy will prove a powerful incentive to reform.

Some traditional administrators see the subprofessionals as a divisive force, raising false hopes in the community, and breeding disillusionment with established institutions. "They're sending people in here looking for handouts," moans a welfare official in Pittsburgh, "and when they don't get them, we get the blame."

Too, neighborhood workers sometimes overstep the bounds of their competence. "Not only are some of these people giving legal advice," complains an antipoverty lawyer in Washington, D.C., "they're giving bad legal advice."

AND WHEN THE POOR AREN'T POOR?

And some enthusiastic supporters of the neighborhood-worker program wonder how long the formerly impoverished can maintain the identification with the poor, an identification that is the key to their usefulness. Asks Aaron Schmais, Mr. Shriver's watchdog on local community-action employment of subprofessionals: "When you take a poor person and pay him $4,000 or $5,000 a year, does he represent the interests of the poor anymore? What happens when he starts wanting buttons on his phone, plush bookcases, and the other office status symbols?"

Despite these problems, Washington is so hopeful that the idea will work that planners are studying ways of using subprofessionals to open up vast new fields of employment. Besides working in "human services," Mr. Schmais says, the subprofessionals could be used in such fields as conservation, air pollution, and urban renewal.

Mr. Schmais argues that the subprofessional concept is actually an extension of efforts that have been accepted for years. He cites hospitals, "First you had the doctors, then the nurses, then nurses' aides. In the antipoverty program, we're doing the same thing: Breaking down traditional jobs and opening them up to new kinds of personnel to meet a growing need." Nor is he surprised that there is resistance: "All the major institutional systems are loath to let in anyone who has less than the set credentials," he says.

Mr. Schmais is by training a psychologist. Before joining the antipoverty program, he spent several years as a social worker in East Harlem, where he learned that professional training often can be something less than an indispensable tool in helping the poor.

"What credentials do you really need to work with a poor family?" he asks. "Do you really need 2 years of graduate study for some kinds of work? We want to get the professionals thinking about questions like these. Maybe some of the skills you really need are those the professionals don't have because they've never been faced with poverty."

MARK R. ARNOLD.

[From the National Observer, Aug. 30, 1965]

A STEP-UP IN AID FOR LOS ANGELES; THE MOSK PROPHECY

Fifteen months ago Stanley Mosk, then California's attorney general, wrote a report warning that Los Angeles Police Chief William H. Parker and his department were likely targets of Negro resentment.

Mr. Mosk predicted that "in Los Angeles if demonstrators are joined by the Negro community at large," the militia would have to be called in. "Millions in property damage may ensue, untold lives may be lost, and California will have received an unsurpassed injury to her reputation."

Mr. Mosk's prophecy came true. But last week the Federal Government, the California State administration, and others were trying to make sure that it wouldn't happen again.

President Johnson named a special task force of Federal officials, headed by Deputy Attorney General Ramsey Clark, to formulate a rehabilitation plan for the devastated Watts area, the scene of the heaviest rioting. The Government anticipates programs for expanding surplus food distribution, accelerating construction of low-income housing, increasing health and medical services, and enrolling jobless youths in vocational training.

A political deadlock between Los Angeles Mayor Samuel W. Yorty and Sargent Shriver's Federal Office of Economic Opportunity was broken, releasing $20 million in antipoverty funds in time to benefit slum children returning to city schools next month.

Gov. Edmund G. Brown's eight-man investigating panel, headed by John A. McCone, former director of the Central Intelligence Agency, began an inquiry into the underlying causes of the riots. At least two other investigations were underway. One was under the direction of the Los Angeles city council; the other by a group of Protestant churchmen.

These efforts will be augmented by others in the next few weeks. The Congress of Racial Equality intends to set up consumer cooperatives and credit unions in the 45-square-mile Watts area. Other civil rights groups are planning to help in the rehabilitation. The city council will reconsider its decision last October against establishing a human relations commission to deal with racial problems.

President Johnson, commenting on the riot, said last week that all these efforts are "too late. The tragedy has already occurred, the dead cannot be revived, and the scars of inaction over many years have begun to show themselves."

"THE BOYS WHO LAST 30 DAYS USUALLY STAY ON": AT A JOB CORPS CENTER, DISCIPLINE IMPROVES, BUT MANY PROBLEMS PERSIST

(By Mark R. Arnold)

ROYAL, ARK.—A year ago, Albert Ziegler, a bright, eager, athletic Negro school dropout, was washing dishes in a hamburger stand in San Antonio, convinced he was "going nowhere" in life. Last week, shortly after I talked to him at the Ouachita Job Corps Conservation Center here, Alberte ("Zig" to his friends) left for Washington, D.C., where he and 43 other promising Job Corps recruits will take up residence for 6 months of work in Government offices. When his 6 months are up, Zig will go into a vocational training program at a large urban Job Corps center, into military service, or maybe to a well-paying job back in San Antonio.

I remember Zig from my visit last March to this U.S. Forest Service camp in days living and working with many of these boys, searching for some clues to whether the basic educational and work skills they are learning can give a permanent uplift to youths from rural backwaters and urban slums. My return visit last week raised more questions than it answered about this key part of President Johnson's poverty program.

The most obvious change about the boys is that they look healthier. Those who have been here for more than 5 months have gained an average of 11 pounds. I was struck too by several other things: The barracks are cleaner, discipline is much improved, and morale is generally quite high. "Coming here was the best thing I ever did," says 18-year-old Jim McNease, who left 12 brothers and sisters behind in northern Arkansas when he moved to Ouachita. Other boys echo his comments.

ONE BOY'S SUCCESS STORY

A few boys who were self-conscious, suspicious, or homesick, are now more sociable, and better adjusted to camp life. One of them, the subject of derisive jokes when I worked with him, has done so well that he was named an assistant group leader, which means he gives orders and those who once ridiculed him obey.

On the other hand, the camp has been plagued by a dropout rate of 40 percent; bureaucratic snarls and lack of facilities continue to retard the corpsmen's progress. And, worst of all, many who need special attention are not getting it owing to a shortage of skilled professionals on the camp's staff.

These problems, and others I encountered at the camp, are not confined to Ouachita. Hopefully, many of them can be traced to the speed with which the administration moved to mobilize its war on poverty, and may in time be corrected. In the past 8 months, Sargent Shriver's Office of Economic Opportunity (OEO), the Federal antipoverty agency, has opened up 38 conservation centers like Ouachita, 7 urban centers for advanced vocational training, and 5 women's centers, enrolling a total of 10,800 youngsters ages 16 to 21. Now the emphasis is shifting from opening new camps and filling them with corpsmen to what private industry calls "quality control." Antipoverty administrators in Washington are reassessing the content of the Job Corps training and revamping it to better meet the needs of the youths:

WHY THE HIGH DROPOUT RATE?

Steps have already been taken to curb the dropout problem, which is running about 15 percent nationwide, considerably below the figure at Ouachita. Ouachita's crewcut director, Ralph Kunz, a career forestry official, explains why his camp has lost so many youths:

"At the beginning we were just an extension of the screening process. Some boys came here just for the airplane ride. Quite a few got homesick. We lost a half dozen when we said everyone would have to receive shots (for diphtheria, typhoid, tetanus, etc.). They were afraid to * * *. Out of one group of 24 that came in we lost 18 within a week. They had no clear idea what the Job Corps was all about, and when the leaders among them went, they all did. But those who last 30 days are usually sure bets to stay on."

Of the 180 boys who have filed into Ouachita since the camp opened in February, 71 have left. Some quit because they didn't think they were getting anything out of the training. Eleven, including several who threatened a group of local youths in Hot Springs with a gun, were discharged as troublemakers. One boy of low intelligence whom I knew quite well left by mutual agreement. "He just wandered from pillar to post; we couldn't get through to him," explained a member of the camp's staff.

Another reason for the high dropout rate is that local recruiting agencies, usually State employment services or community antipoverty groups, have sometimes painted glowing pictures of life at the camps in their eagerness to sign up recruits, for which they are paid an average of $80 a head by Washington. "I was told they'd give you a high school diploma and guarantee you a job," Ouachita Corpsman James P. Van Volkenburg said at a barracks bull session. "Now I learn that's not true." "You mean they don't?" asked an astonished camper.

To trim the dropout rates, Washington now sends all new recruits to special induction centers for 3 weeks of indoctrination, tests, and health shots. Those who don't like what they're in for usually drop out at that time.

Establishment of the induction centers may bring the dropout problem under control. But other deficiencies persist.

Take education. Each of the 105 corpsmen at Ouachita spends 3 days a week following, at his own speed, a course of programed instruction in reading and arithmetic under the guidance of 11 teachers. With the youngsters who came to camp with a basic education this program has proved remarkably effective. Many of the youths have advanced the equivalent of two or three school grades. But most of the illiterates are floundering. "They have short attention spans, and after a while they lose interest entirely," says one instructor. "We need material that will hold their interest—flash cards, audiovisual aids. But you have to go through channels to get everything, and that takes time."

A LOSS ON EITHER SIDE

Camp instructors are unable to give the nonreaders the attention they require. Says Instructor Cecil Tackett: "If you take care of the kid who really has problems, you're neglecting the bulk of the boys. So you work most with those in the middle, they're the largest number, and you lose those on either end."

Nor will the problem be solved by hiring more teachers. "Some of these kids have very serious speech impediments," says Guidance Director Don Cogdill. "There's nothing we can do for them. We're not trained to handle this type of problem. Others need psychiatric care, and it's holding up their progress that they're not getting it." He suggests, and Director Kunz agrees, that the camp should hire a consulting speech therapist and a consulting psychiatrist, for which funds are only now becoming available. But because the camp has not had these services, valuable months have been lost.

Or take counseling. Mr. Cogdill, a former junior high school guidance coordinator in St. Petersburg, Fla., is acutely conscious of the fact that most of the youths, away from home for the first time and plagued by self-doubt, desperately need to discuss their problems with someone. I found many of them hungry for advice—and reassurance. But as the camp's only professional counselor, Mr. Cogdill complains he's too busy administering psychological and aptitude tests to fill the need. His administrative bureau will be eased now that the new recruits are taking the tests in induction centers.

THE WORLD OF WORK

The closest thing to counseling now offered is a course called World of Work, a combination free wheeling discussion and group therapy session in which the youths are encouraged to discuss their problems. On one day last week the conversation touched on such subjects as preparing for a job interview, budgeting, use of a checkbook, taxes, and basic hygiene. But the class is a poor substitute for personal counseling, and the boys seem to notice it. Most of those who recently filled out a form evaluating their training said they didn't feel that the staff took enough interest in their problems.

In the absence of intensive counseling, many of the boys continue to drift. Carl Ward, a modest, personable 16-year-old from Poplar Bluff, Mo., told me in March he thought he might like to be a truckdriver. When I asked a camp official about him at that time, I was told: "A lot of them come here thinking they want to drive a truck. They don't know about a lot of other jobs. What we'll try to do is open their minds to other opportunities." Now, 15 pounds heavier, Carl works in the camp kitchen as a cook's helper. I asked him last week what he'd like to do when he finishes his training. "I don't know, maybe drive a truck," he said.

On the days that the boys are not in the classrooms, they break off into groups for work training. The idea is not to teach them mastery of a specific trade, but to expose them to various types of constructive work. Eleven boys besides Carl Ward work as cook's helpers. Three boys, who hope to become X-ray technicians, work in the camp dispensary. A surveying team, working under a civil engineer, laid out a basketball court at the camp and a dirt road. Three boys, operating the camp's bulldozer and road-

grader, helped to build a 2-mile road in the Ouachita National Forest. One crew has dug the foundations and poured concrete to erect two quonset huts at a ranger station. Another group, working under a carpenter hired by the camp as a consultant, is building carports for the permanent homes at the camp, and several of the boys have laid topsoil, built rock-and-mortar drainage ditches, and prepared campsites at a nearby public recreation area.

There are fewer loafers at Quachita than there were in March, and the corpsmen take more pride in what they are doing. "I feel good to see people actually using what we built," said Corpsman Harry Duckworth, who pointed out to me the parking walls and campsites his crew had prepared.

This work sounds impressive, and it is. But there have been times when campers have been featherbedded onto make-work maintenance crews to keep them busy. Machinery and tools to outfit woodworking and welding shops stand unused because the building to house them is not completed. And several boys complained to me that the most constructive work always goes to a few boys (who they admitted were good workers) while they are left to do custodial chores around the camp.

How do you measure the camp's success—and the success of the Job Corps?

The corps is obviously giving a chance to many youths who never had a chance before. Albert Ziegler is a prime example. But he, as has been noted, was bright and eager to start with. The legion of dropouts, on the other hand, indicates that many youths who needed a chance as much or perhaps more than Albert Ziegler did not find it in the Job Corps.

It is safe to say that everyone at Ouachita has learned something. This became clear to me when I asked a nonreader at lunch one day to spell his name. He hesitatingly scrawled a signature on his napkin, rather than write it into my notebook where his possible mistakes would take on a look of permanence.

What is the yardstick?

Asks Dr. Howard Brighton, Ouachita's chief on instruction: "How do you measure the fact that X now knows what a toothbrush is for and that he takes his shoes off before getting into bed, and that Y can make change for a dollar? Or that a boy who said 'I ain't gonna do nothin' ' whenever he was asked to do anything at all is now a willing worker? Or take R. He couldn't read the alphabet when he got here 5 months ago. Now every day he reads over and over again, 'I am a man. I am not an ant.' He's trying, I know he's trying, and someday he's going to get it."

How indeed do you measure this kind of progress?

Yet there are doubts about the program among educators on the Job Corps staff. It is expected that most youths who have acquired basic work and study skills at conservation camps like Ouachita will go on to an urban Job Corps center for training in occupations ranging from medical technology to auto mechanics and landscaping. But many will join the Armed Forces or return home after their initial training, which runs from 6 months to 2 years.

Worries one educator: "There is a real question whether some of these kids aren't going to be more frustrated than they were before when they get out and find they face some of the same barriers they faced before—no high school diploma, no marketable skill, racial discrimination." These doubts are reinforced by the fact that Washington has not yet clearly spelled out the machinery for placement of Job Corps graduates, because, a spokesman notes, "We've had only a few so far." Job Corps officials intend to rely heavily for placement on State employment agencies, which may not pursue opportunities for the graduates as aggressively as Washington would like.

The boys at Ouachita are only dimly aware of the continuing question mark in their future. They're confident that their training here will enable them to land a good job, and if they have trouble, the Job Corps will help them out. This confidence leaves them free to indulge their fancy for less weighty matters, like how they will look in the Corps blazers and slacks they'll soon be able to buy. "I hope I get mine before I go home on leave," said one of my roommates as we lay on our bunks enjoying a last cigaret long after lights out. "That way, when I go home, and when people say, 'Where you been?' they'll know where you been without thinkin' maybe you been in jail or somethin'."

MARK R. ARNOLD.

NATIONAL MARITIME POLICY

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. GARMATZ] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GARMATZ. Mr. Speaker, I was utterly flabbergasted yesterday when I read in the Baltimore Sunday Sun an account of the report of the Interagency Maritime Task Force which was appointed sometime ago to study and make recommendations with respect to a proposed new national maritime policy.

I have this morning dispatched a telegram to Secretary of Commerce Connor, the Chairman of the President's Maritime Advisory Committee, voicing my consternation over the general tenor of the Interagency Task Force's recommendations, asking him for a statement clarifying the Government's position, inasmuch as parts of the task force report are in such direct conflict with the Secretary's own statements over recent months.

Even more surprisingly, the recommendations seem to have ignored those already made by the President's Maritime Advisory Board, which will have final say in the matter.

Only last week I directed the attention of the Members of the House to a report on maritime policy proposed by Ernst & Ernst, a financial research organization of national standing, which is as positive and promising for the future of American shipping industry as this report is destructive.

While not prepared to take on the task force item by item until I have had the opportunity to read the full report, I can say that it is in almost complete conflict with the current national maritime policy as laid down in the basic Merchant Marine Act of 1936. That policy has been consistently reaffirmed by supplementing legislation and by official studies of the Commerce Department itself.

I realize that this task force report must now go to the President's Maritime Committee for consideration, and I have every hope that the many objectionable—I might even say, destructive—recommendations will be removed or brought into reasonable prospective.

It goes without saying that the report takes no notice of the certain worsening of our balance-of-payment position if we turn over to foreign cruise ships the many hundreds of thousands of dollars spent by U.S. citizens in travel and cruise on American passenger vessels.

Nor does the task force report take cognizance of the baleful effect upon the national economy that would result from this proposed reduction of thousands of jobs in shipping lines, the shipyards that are to be phased out, and of their countless supporting industries.

If a final official advisory committee report should go along with certain recommendations made by the task force, I feel justified in saying most positively that the House Merchant Marine and Fisheries Committee, whose duties and responsibility under the congressional mandate of 1936 is to further the maintenance and development of American shipping will devote its full time and attention to any such recommendations.

And it is certain that we shall demand full justification of any or all of them before putting the committee's stamp of approval on the necessary implementing legislation.

At this point, Mr. Speaker, I place in the RECORD the telegram sent this morning to Secretary of Commerce Connor:

SEPTEMBER 27, 1965.

Hon. JOHN T. CONNOR,
Secretary of Commerce,
Department of Commerce,
Washington, D.C.:

Regarding news accounts over weekend concerning alleged new merchant marine policy and denials in this morning's press by administration's spokesmen, respectfully suggest that you clear the air once and for all, specifically on question of foreign shipbuilding. Confusion being created by contradictory reports and statements is destroying stability in our shipyard industry and is driving skilled workers away. You instructed Kheel Subcommittee of Maritime Advisory Committee to base its considerations and recommendations on assumptions that national policy would continue to contemplate construction of all U.S.-flag ships in U.S. shipyards. Unequivocal statement to same effect from you at this time would help in restoring confidence in future for U.S. shipbuilding.

Congressman EDWARD A. GARMATZ.

TREATY NEGOTIATIONS WITH PANAMA

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. FLOOD] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FLOOD. Mr. Speaker, the President's announcement on September 24, 1965, about the status of current treaty negotiations with Panama fully justify my fears for the security of our position on the isthmus and confirm my predictions on this subject. It means a complete and abject surrender to Panama of our indispensable sovereignty and authority with respect to the Panama Canal

in favor of a so-called dual governmental and managerial setup for it in an area of endless bloody revolution and political instability. This can only lead to unending conflicts and recriminations that always accompany intraterritorial jurisdictions where two masters are involved.

The Canal Zone is a territorial possession of the United States with sovereignty granted by treaty in perpetuity and ownership of all land in the zone obtained by private purchase at a total cost of some $144 million. Our investment in the canal enterprise and defense installations is in billions of dollars furnished by the American taxpayers but in the indicated agreements not a dollar is to be repaid to us.

Under existing treaty, the United States is obligated to Panama for the perpetual operation and maintenance of the canal. The issues involved in the agreements under negotiations are so grave, that candor is required. Panama gets everything it desires and the United States nothing but losses and ignominy.

The Panamanian negotiators have written out what they demanded and our negotiators, figuratively speaking, have merely signed on the dotted line. We certainly should not have agreed to Panamanian sovereignty but, on the other hand, should have demanded the extension of the Canal Zone to include the watershed of the Chagres River.

The grant of complete jurisdiction of Panama over the Canal Zone, means that all laws made by the Congress for the Government of the zone and the operation and maintenance of the canal may be scrapped at any time by Panama, and superseded by Panamanian law. Also all civil activities in the zone—courts, police and fire, schools, roads, and utilities—will be taken over by Panama.

All this means, sooner or later, the elimination of U.S. citizen employees in the canal enterprise with substitutions by Panamanians. It will be inevitable that all these positions will become political plums eagerly sought by Panamanian politicians with gross confusion and embarrassment. Yet, our negotiators were unable, or unwilling to deal with the situation realistically and have agreed to leave our Government with responsibility without any adequate authority. Think what this means in time of war or other grave emergency. Even as to the matter of land in the zone, which may be required for canal purposes, we should have to buy back at exorbitant prices areas we already own by actual purchases from the owners. What a ridiculous situation.

Panama, having secured such outstanding results in its claims, will, inevitably, demand all control over the canal enterprise with withdrawal by the United States. If such abandonment occurs, Panama and all of Latin America will go down the Communist drain.

For our officials to proclaim that Panama, which since 1955 has not been able to collect its own garbage from the streets of Panama City and Colon, as a partner of this great interoceanic public utility is, to say the least, unrealistic and really astounding; and it will evoke serious reactions from maritime countries as regards the fixing of tolls.

The President's announcement, indeed, marks a sad day for the United States, although it may bring rejoicing at Peiping and Moscow. He has completely yielded to the counsel of his advisers, sappers, and appeasers, who must be made to bear basic responsibility for what has occurred. Moreover, I predict that the expressed willingness to surrender control over the Panama Canal will be taken as a signal for accelerated activity among communistic revolutionary elements all over Latin America and the Caribbean.

There should be only one flag over the Panama Canal—the flag of the United States—and the proposed treaties should be defeated.

CONNECTICUT RIVER NATIONAL PARKWAY AND RECREATION AREA

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. BOLAND] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BOLAND. Mr. Speaker, Mark Twain spoke of the Mississippi River Basin as "the body of the Nation." I hope that with equal accuracy I may speak of the Connecticut River as "the body of New England."

The Connecticut is the longest river in New England. From the spillway of the First Connecticut Lake in New Hampshire the river plunges enthusiastically into an approximately 400-mile journey through the heart of New England to Long Island Sound at Old Saybrook, Conn., touching in its course the lives of many hundreds of thousands of people who work or study or play along its banks. It outstretches dozens of rivers which are more famous and more sung about. It is longer by far than the Jordan, the Tiber, the Thames, the Suwanee, the Hudson, and the Potomac.

The Connecticut River, it is agreed by travelers with an eye for beauty, flows through one of the most scenic valleys in the world. In fact, Timothy Dwight, for more than 20 years the president of Yale, who became the most traveled New Englander of his day, wrote in 1837:

> This stream may perhaps with more propriety than any other in the world be named the beautiful river. From Stuart to the sound it uniformly maintains this character. The purity, salubrity, and sweetness of its waters; the frequency and elegance of its meanders; its absolute freedom from all aquatic vegetables; the uncommon and universal beauty of its banks, here a smooth and winding beach, there covered with green verdure now fringed with bushes covered with lofty trees, and now formed by the intruding hill and rude bluff and the shaggy mountain—are objects which no traveler can thoroughly describe.

There is a marked contrast between the above description of peace and beauty by Timothy Dwight and the present story of awesome destruction brought about by man's own ingenuity.

Today the river flows through unsightly industrial developments—past ancient factories and junkyards, oil tank farms, and powerplants. The river valley like so many other beautiful parts of our United States, is slowly but surely being eaten away. The land developers are moving in—carving out great chunks of landscape. We are witnessing an unplanned, leapfrogging sprawl of industrial and commercial development and its inevitable handmaiden, water pollution. One recent observer called the Connecticut River the world's most beautifully landscaped cesspool.

Tremendous pressures are building up. New highways and bridges are providing more access to the land along the river and there is going to be much more intensive use of the river itself. The flotilla of boats one sees on the river is only a foretaste of what is to come. With the explosive growth in recreational boating that is ahead, the river is going to become a great recreational highway, and there will be a rash of commercial facilities and camps along the banks to serve it.

Mr. Speaker, the touch of man's hand has been heavy. At first the river valley was a route for commerce, until in the late 1790's Middletown—then the principal river port—was the largest community in Connecticut. The river carried freight, not only in ships but in great log drives. And it carried passengers up to 24,000 a year at Hartford, arriving in 2,500 vessels.

However, those days are now gone. Highway transport, railroads and planes have replaced the slower river boats. Our people have become more mobile and as our population crowds together in ever-increasing metropolitan areas, the need for additional park and recreation space grows. There are questions we must now ask ourselves. Will we confine our children and grandchildren to a life to be spent in an asphalt playground surrounded by neon lights? Do we really want a society bounded by concrete highways and filled to the horizon with the miscellany of an industrial civilization?

Man does need the cities, but he also needs breathing space—the view of a majestic river and of open skies. Man needs all these things, and we today must do our part to provide them.

A clean and beautiful Connecticut River Valley future must be reestablished to provide enjoyment for future generations. In an increasingly urbanized America urban rivers should no longer be neglected but should be revitalized to provide an uplifting force in our lives.

The Connecticut River and its valley are priceless assets. They have been placed in this generation's care. We must preserve what we have before it is too late. The destruction of priceless resources is irrevocable; once lost they remain lost forever.

For these reasons, Mr. Speaker, I introduce for appropriate reference a bill to authorize the establishment of the Connecticut River national parkway and recreation area, in the States of Connecticut, Massachusetts, Vermont, and New Hampshire.

The proposed legislation is designed to be as flexible as possible in meeting the needs that exist and in establishing a suitable scenic and recreation area for the public benefit.

Since this area is already served by high-speed highways, one of the provisions of the bill authorizes the inclusion of scenic roads and parkways, "shunpikes" as they are sometimes referred to. This provision will allow for more leisurely type driving at greatly reduced speeds, thereby allowing people to drive for pleasure.

This area would also be administered for the preservation of natural beauty and for the many different forms of outdoor recreation. These would include walking, hiking, bicycling, picnicking, scenic and historic preservation, fishing, hunting, boating, camping, riding, winter sports and other forms of public recreation which the Secretary of the Interior considers to be compatible with the preservation and administration of an area of this type in the public interest.

Mr. Speaker, this bill will give to New England, what the great Western States have for so long enjoyed—breathing space, protected land and a place where man can seek refuge from the crowded city streets.

I urge its early and favorable consideration. I am happy to join my colleagues, Senator RIBICOFF and Congressman ST. ONGE, who have sponsored similar legislation in the Senate and the House. I also include with my remarks at this point editorials from the Springfield Daily News of September 15 and the Springfield Union of September 16 concerning this legislative proposal.

[From the Springfield (Mass.) Daily News, Sept. 15, 1965]

CONNECTICUT RIVER, EVERYWHERE SALUBRIOUS?

The Connecticut River, about which, in the last century, Timothy Dwight, president of Yale University, wrote that it was "everywhere pure, potable, everywhere salubrious," just isn't that any more, but it may be again. And if this objective is attained, in which we here are keenly interested, U.S. Senator ABRAHAM RIBICOFF, of Connecticut, can, in large measure, be thanked for it.

The junior Senator of the Nutmeg State has embarked on a personal crusade to restore the Connecticut River to its onetime splendor, to erase pollution, to retain unspoiled at most notable points the character of the landscape and to preserve historic landmarks. To this end, Senator RIBICOFF has filed in the Congress two bills: One to establish a national parkway and recreation area along the shoreline, preferably as a four-State project, with the Federal Government acting jointly with Connecticut, Massachusetts, Vermont, and New Hampshire; and the second bill to increase the Federal contribution to antipollution programs. Under the legislation proposed, a study of the Connecticut River Valley as a national parkway would be authorized with Secretary of the Interior Stewart L. Udall enabled to move ahead if the study justifies action. U.S. Representative WILLIAM ST. ONGE, of Connecticut, plans to introduce similar bills in the House later this week and has indicated he expects strong support in the lower Chamber.

Senator RIBICOFF moved his program a long step forward Monday by conducting Secretary Udall on a 60-mile cruise along the Connecticut River to give the latter a firsthand look at what some have called "the world's most beautifully landscaped cesspool." It was not the best day, weatherwise, for the cruise, which began with showers at the winding river's mouth at Saybrook, and proceeded north in pouring rain to Hartford, but Secretary Udall was impressed, nevertheless. He disembarked from the river boat *Dolly Madison*, saying, "I come off this boat with a feeling of enthusiasm." He went on to note that the conservation idea is moving eastward and that Connecticut is one of the few States in which the Federal Government has not taken a part in project developments. "It makes the Ribicoff project most timely," Secretary Udall said. The long stretches of the river relatively unspoiled, came as a surprise to him. "There is an opportunity to do a model job with the river—to make it a scenic centerpiece," he observed. He praised the leadership in Connecticut and declared: "You have a running start. This is a great opportunity for Connecticut to set an example for the East in terms of conservation. But population is crowding in and time is running out. What we do in the next decade will be decisive for the river's future."

With this encouragement, the Ribicoff bills and the matching House bills by Representative ST. ONGE, merit wide support in Congress and, especially from the Massachusetts delegation. For this is something in which we have a vital stake. Although Connecticut dominated the scene Monday, we have a strong interest and should be counted in on any national parkway program. There are now nine national parkways projected or in existence, including such locations as the Natchez Trace, the Colonial Parkway at Williamsburg and the George Washington National Parkway leading to Mount Vernon. By every test of history and attractiveness, the inclusion of the Connecticut River Valley in the national program certainly seems appropriate.

[From the Springfield (Mass.) Union, Sept. 16, 1965]

HOW BEST TO SAVE THE RIVER?

If the Connecticut River were easily navigable north of Hartford, Secretary Udall's trip up from Long Island Sound aboard the *Dolly Madison* might have been a more genuinely interior affair, proceeding through Massachusetts and perhaps into the two upstream riparian States.

But the invitation to join Mr. Udall and Senator RIBICOFF in their Connecticut River national parkway plan is by no means limited to the portions of the Nutmeg State they viewed from a rain-washed deck last Monday. If the plan is to be meaningful, all four States will have a part to play in the joint State-Federal enterprise.

While details are still lacking, the objective goes far beyond securing the still unspoiled sections of the riverbank against commercial encroachment and exploitation, although that is an important part of it. New England's mighty stream, and the conservationists' fond hopes for it, present a more complicated problem than, say, preserving forever the lovely dunes of the Outer Cape, soon to be dedicated as the Cape Cod National Seashore.

Senator RIBICOFF and Mr. Udall are talking in terms of reclamation as well as preservation. It is one thing to seal off the remaining stretches of natural scenic beauty. It is quite another to bring the water itself from a State of near-uselessness so that fish can flourish and swimmers bathe.

Putting it quite simply, the river is filthy despite some significant forward steps in pollution control. Articulate efforts of conservation groups, interstate compacts, State and Federal aid with sewage-treatment costs—all have helped, but not enough. Unless pollution is (1) brought under control and (2) gradually reduced, a national parkway and recreation area would be more of a national disgrace than a national asset.

The clean-water bill finally breaking out of Congress, designed to strengthen (though not make invincible) the Federal hand in curbing sources of pollution, is a big step in a necessary direction. But the fact that its full impact will not be felt for 2 years is just one example of the preliminary character of the Udall-Ribicoff approach as it affects the Connecticut.

Nevertheless, now is the time for Massachusetts to examine itself and the river. Shall we leave the pristine shoreline footage to town zoning decisions or welcome a sort of perpetualization by nationalization? Would our lovely valley—not just the river but the State parks and reservations already established on the hills beside it—be better publicized as a tourist attraction if it had national status? Would we enjoy it more or less ourselves if some Federal program got the water laundered where other programs have failed?

We have nothing to lose by finding out just what a "national parkway" would mean. It could mean gaining a lot.

Mr. Speaker, in May 1958, I was one of the original sponsors of the first bill to provide for the Cape Cod National Seashore Park in Massachusetts. My colleague, Congressman THOMAS P. O'NEILL, of Cambridge, joined me in cosponsoring the bill. The following year our late beloved President, John Fitzgerald Kennedy, then the junior Senator from Massachusetts, and Senator LEVERETT SALTONSTALL, Congressmen SILVIO CONTE, and HASTINGS KEITH, who represent the Cape Cod area, joined with us in sponsoring the national seashore bill. This legislation was eventually enacted and signed into law by President Kennedy. We are all proud that one of the few remaining unspoiled seashore areas in the Nation has now been preserved for all Americans to enjoy. I would like to have printed with my remarks at this point an editorial from the Holyoke, Mass., Transcript-Telegram of September 16 entitled "An Example of Federal Excellence" in describing the Cape Cod National Seashore Park, and pointing out what can be done for the Connecticut Valley if the Connecticut River National Parkway and Recreation Area is enacted into law:

AN EXAMPLE OF FEDERAL EXCELLENCE

Though we belong to the "I'd rather do it myself" school in preference to the "Let Uncle Sam do it" crowd, there are some things the Federal Government must get credit for doing extremely well. One of these is the Cape Cod National Seashore.

The national park being developed on the lower cape represents an 11th-hour effort to save the Great Nauset Beach, the freshwater ponds, and the rolling dunelands of the area from Orleans to Provincetown from greedy commercial exploitation. The towns would not do it themselves—"it" being zoning and other restrictions on development that would destroy the beauty that makes that part of Cape Cod a treasured vacationland.

In 2 years the national seashore has been able to acquire enough land that already belonged to the State or Federal Governments to show what it can do. While the slow process of acquisition of private land in the seashore area goes on, four areas have been quickly prepared for public use. This was a wise move, for the national seashore has made such a good impression in these areas that support for it is growing fast, and the Federal example of recreation area management has spurred the towns to better control of their own beach areas.

The national seashore has established two public beaches with bathhouse facilities and lifeguards, in Provincetown and Eastham, and has initiated a program of guided walks and marked trails through the most interesting sections from the natural history or historical point of view—through a magic white cedar swamp, through the Pilgrim Spring area where the Pilgrims walked, to the remnants of the old Marconi telegraph station—and it offers illustrated lectures on Cape Cod history and geography at its new center in Eastham. These talks are so popular that only early arrivals can get seats.

A particular triumph of the national seashore is the architecture of the simple buildings that have been constructed so far. A basic pattern is used for all—a modern design using traditional materials: unpainted cedar and a brick the color of sand. All buildings and signs use the colors of the landscape, mostly a light warm gray. They are plain without being stark and are remarkably beautiful.

The national park personnel who man these stations are also impressive: trim, quiet, courteous, and happy to answer endless questions with full information.

When the seashore was first proposed, a cry of alarm went up that it would attract droves of litterbugs, messy campers, and other undesirables to the unspoiled lower cape. Traffic has indeed increased there. But the seashore has halted the bulldozers digging away at the great dunes overlooking the 30-mile sweep of Atlantic beach; it has checked the spread of pizza parlors and miniature golf courses; it has kept the beach buggies and the tenting beatniks away from the places where people swim. And the areas the national seashore operates itself are so attractive and so spotlessly maintained that no one would dare drop a gumwrapper on the ground. The public beaches owned by the towns are littered with beer cans and every other kind of trash, on the other hand.

We have no idea what will come of Senator RIBICOFF's proposal to make a national parkway out of the Connecticut River—this would be a reclamation project far more difficult than the fortuitous saving of what was unspoiled on Cape Cod—but having seen what the Department of the Interior has done in very short time on Cape Cod, we can project magnificent dreams of what could be done in our valley.

Mr. Speaker, as a member of the House Public Works Appropriations Subcommittee, I initiated a request to the Army Corps of Engineers to make a 3-year comprehensive study of the Connecticut River Basin, to determine how this vast river in New England can best be developed for future generations. This study also includes the possibility of dredging the river from Hartford to Holyoke so that it will be navigable for recreation boating. The Army Engineers expect to have the comprehensive study completed within another year. I am sure that the information and facts gathered in this study will be of use to the Secrtary of Interior in the establishment of the Connecticut River national parkway and recreation area.

ALLEGED SHORTCOMINGS IN THE ADMINISTRATION OF WALTER REED HOSPITAL

Mr. VIGORITO. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. DANIELS] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DANIELS. Mr. Speaker, last week the Washington Post published a column by Jack Anderson which outlined certain alleged shortcomings in the administration of Walter Reed Hospital.

Mr. Speaker, I ask unanimous consent that this column be printed at this point in the RECORD:

VETS GIVEN ROUGH TIME IN HOSPITAL

(By Jack Anderson)

(EDITOR'S NOTE: Drew Pearson is on a news-gathering tour of Africa. In his absence this column is written by his associate, Jack Anderson.)

WASHINGTON.—The Army's Walter Reed Hospital, where wounded GI's from Vietnam get their plastic surgery and artificial limbs, is a picturesque complex of buildings, shrubbery, and fountains. The grounds are parklike, the grass trim, the atmosphere serene.

On warm days, soldiers in blue pajamas lounge on the benches, and birds nestle in the maple and oak trees lining the paths. The marble steps at the main entrance are fit for a President, and indeed, Presidents come here for their hospital care. The lobby is dazzling white.

But behind the impressive front, there are drab halls, low-hanging water pipes and dingy rooms that reek of alcohol.

You visit an enlisted men's ward. Forty-five beds are crowded in one room. Young men, missing arms and legs blown off in Vietnam, hobble and jostle around the packed quarters.

There are only one shower and four wash basins for all the men in the ward. Dirty uniforms have been tossed in a bin 10 feet from the basins. The floor is covered with filth.

The patients say there is only one nurse and one orderly on duty during the night. They tell how a man, suffering from a stroke, struggled out of bed to call the nurse after being awakened by the cries of a fellow patient.

The orderly was asleep, the nurse doing paperwork in her office. She heard nothing.

As you leave, you wonder about a sign on the door: "Air conditioned, please do not leave open." For the room is unbearably warm.

Downstairs in the officers' quarters, the ward is partitioned into semiprivate rooms. The toilet facilities are adequate and clean. The air is comfortably cool. You learn that the cool air from the officers' quarters is supposed to be channelled into the enlisted men's wards. But the chill is lost somewhere en route.

Back outside, you wonder why so much money is spent keeping the outside freshly painted when the wards look as if they hadn't seen paint in years.

You drive along curving roads to the gate, and a guard salutes smartly. But as you pull away, your mind is back in the dismal wards with the neglected heroes of the Vietnam war.

Among the many newspapers that publish Mr. Anderson's syndicated column is the Jersey Journal which is published in Jersey City, N.J.

The allegation that a new generation of young Americans wounded in the Vietnamese conflict were not receiving treatment worthy of their services caused considerable consternation in veterans' circles.

The Hudson County American Legion of the State of New Jersey, sent to Washington a blue ribbon group to investigate conditions at Walter Reed and to find out first hand if the Anderson charges were factual.

Among those who arrived Friday from New Jersey were: Philip Rossiter, Jersey City, a leg amputee in World War II; Hamilton Irving, Jersey City, commander of the Hudson County American Legion; Frank Riccardi, Jersey City, vice commander of the Hudson County American Legion; Clayton Petty, Bayonne, past commander of the F. A. McKenzie Post, American Legion; and Stephen Gregg, of Bayonne, who was awarded the Congressional Medal of Honor during his service in Southern France in 1944.

These five men accompanied by my legislative assistant, Gerard F. Devlin, made a detailed investigation of the hospital facilities at Walter Reed.

Their finding, I am unhappy to say, bears out much that Mr. Anderson pointed out in this column.

The Hudson County legionnaires and Mr. Devlin browsed for several hours among the patients and talked with dozens of hospitalized soldiers, many of whom were men whose limbs has been amputated as a result of service in Vietnam.

They noted that the patients had nothing but praise for the doctors, nurses, and corpsmen serving at the hospital. However, almost to a man they pointed out that the hospital is woefully understaffed. It was the prevailing view that the staff is making Herculean efforts but there simply are not enough nurses and corpsmen to carry out the tasks assigned them.

They reported that the enlisted facilities were inadequate and antiquated. As Mr. Anderson noted "45 beds are crowded into 1 room." There is only 1 latrine for these 45 men. This latrine contains only a single shower, two urinals, three toilet bowls, and four wash basins.

Mr. Speaker, whose fault is this? I do not rise in this House to lay the blame on any one person. But when you have an institution which is more than half a century old, and on top of that one which is understaffed, you have a situation which ought not to be endured.

Mr. Speaker, a new generation of young Americans is going forth to face its time of trial in the steaming jungles of South Vietnam. These young men who are in a very literal sense guarding the frontiers of freedom deserve to know that if they are wounded they will receive the best care that this Nation can give. I am not satisfied with conditions at Walter Reed and I feel that it is incumbent upon the Department of the Army to take immediate steps to correct the situation.

If it is a question of money, I say the Army ought to come before this Congress and ask for sufficient funds to take care of those who have fallen in battle. I do not wish to pick a quarrel with the Department of the Army but I do say that the best is none too good for our young men in Army hospitals and if conditions are not improved then the American

people have a right to know who is responsible for these conditions.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mrs. HANSEN of Washington, for September 28, 29, and 30, on account of official district business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. HORTON) to revise and extend their remarks and to include extraneous matter:

Mr. FINDLEY, for 30 minutes, today.

Mr. GROSS, for 30 minutes, on September 29.

The following Member (at the request of Mr. VIGORITO):

Mr. DENT, for 30 minutes, on September 29; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks was granted to:

Mr. MARTIN of Alabama.

Mr. NELSEN his remarks in Committee of the Whole today and to include extraneous matter.

(The following Members (at the request of Mr. HORTON) and to include extraneous matter:)

Mr. CLEVELAND.

Mr. MIZE.

Mr. PELLY.

(The following Members (at the request of Mr. VIGORITO) and to include extraneous matter:)

Mr. HUOT.

Mr. EDWARDS of California in two instances.

Mr. RIVERS of South Carolina in two instances.

Mr. ROSTENKOWSKI.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2434. An act to clarify authorization of the Federal Aviation Agency of the lease of a portion of certain real property conveyed to the city of Clarinda, Iowa, for airport purposes; to the Committee on Interstate and Foreign Commerce.

S. 2469. An act amending sections 2 and 4 of the act approved September 22, 1964 (78 Stat. 990), providing for an investigation and study to determine a site for the construction of a new sea level canal connecting the Atlantic and Pacific Oceans; to the Committee on Merchant Marine and Fisheries.

ADJOURNMENT

Mr. VIGORITO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, September 28, 1965, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1623. A letter from the Archivist of the United States, transmitting a report on records proposed for disposal pursuant to 63 Stat. 377; to the Committee on House Administration.

1624. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to establish a revolving fund for the Southeastern Power Administration; to the Committee on Interior and Insular affairs.

1625. A letter from the Deputy Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation relating to applications for writs of habeas corpus by persons in custody pursuant to judgments of State courts; to the Committee on the Judiciary.

1626. A letter from the Director, U.S. Information Agency, transmitting an annual report on claims settled during period September 1, 1964, to August 31, 1965, pursuant to section 3, Military Personnel and Civilian Employees' Claims Act of 1964 (Public Law 88–558); to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MAHON: Commerce on Appropriations. House Joint Resolution 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes; without amendment (Rept. No. 1095). Referred to the Committee of the Whole House on the State of the Union.

Mr. JENNINGS: Committee on Ways and Means. H.R. 318. A bill to amend section 4071 of the Internal Revenue Code of 1954; without amendment (Rept. No. 1096). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H.R. 11278. A bill to authorize the establishment of the Connecticut River National Parkway and Recreation Areas in the States of Connecticut, Massachusetts, Vermont, and New Hampshire, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARSHA:

H.R. 11279. A bill to amend title 39, United States Code, to provide certain mailing privileges with respect to members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MARTIN of Alabama:

H.R. 11280. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. ROBISON:

H.R. 11281. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing training programs for employees and prospective employees; to the Committee on Ways and Means.

By Mr. TUPPER:

H.R. 11282. A bill to amend section 214 of the Immigration and Nationality Act to permit the Attorney General to admit nonimmigrant aliens to the United States for agricultural employment after consultation with a National Committee on Foreign Agricultural Workers; to the Committee on the Judiciary.

By Mr. BOGGS:

H.R. 11283. A bill to amend the Internal Revenue Code of 1954 to treat sintering or burning as a mining process in the cases of shale, clay, and slate used or sold for use, as lightweight concrete aggregates; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 11284. A bill to amend the Housing Act of 1937 to reduce from 62 to 60 the age at which widows may be occupants of low-rent public housing units; to the Committee on Banking and Currency.

By Mr. MACKAY:

H.R. 11285. a bill to establish a Federal Commission on Alcoholism, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOELLER:

H.R. 11286. A bill to amend the District of Columbia Alcoholic Beverage Control Act to prohibit the sales of alcoholic beverages to persons under 21 years of age; to the Committee on the District of Columbia.

H.R. 11287. A bill to amend the act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. ABBITT:

H.R. 11288. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which a woman may earn while receiving mother's insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. ADAMS:

H.R. 11289. A bill to amend the Public Health Service Act to provide grants to the several States for the acquisition and operation of artificial kidney machines; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of Wisconsin:

H.R. 11290. A bill to amend the Internal Revenue Code of 1954 with respect to the priority and effect of Federal tax liens and levies, and for other purposes; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 11291. A bill to provide for the compensation of persons injured by certain criminal acts; to the Committee on the Judiciary.

By Mr. MAHON:

H.J. Res. 673. Joint resolution making continuing appropriations for the fiscal year 1966, and for other purposes; to the Committee on Appropriations.

By Mr. ROOSEVELT:

H.J. Res. 674. Joint resolution proposing an amendment to the Constitution of the United States to provide that the right to vote shall not be denied on account of age to persons who are 18 years of age or older; to the Committee on the Judiciary.

By Mr. CONTE:

H. Con. Res. 516. Concurrent resolution to express the sense of Congress with respect

to strengthening the inter-American system; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Con. Res. 517. Concurrent resolution relative to Captive Nations Days; to the Committee on the Judiciary.

By Mr. WYDLER:

H. Res. 591. Resolution to authorize the Committee on House Administration to conduct an investigation and study with respect to the establishment of a Visitors' Center for the House of Representatives; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FINO:

H.R. 11292. A bill for the relief of Ineke Hendriks; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 11293. A bill for the relief of Sybil Alexander Andrews; to the Committee on the Judiciary.

By Mr. MARTIN of Alabama:

H.R. 11294. A bill for the relief of Claud Ferguson; to the Committee on the Judiciary.

By Mr. ROOSEVELT:

H.R. 11295. A bill for the relief of Dr. Suk Zo An; his wife, Mrs. Ki Suk An; their daughter, Yung Sook An; their son, Duck Wan An; and their son, Dong Won An; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 11296. A bill for the relief of Miss Elba Luz Cors Montano; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

Interagency Maritime Task Force Report Jeopardizes National Security

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. PELLY. Mr. Speaker, newspaper reports regarding a 60-page Maritime task force report confirm what many advocates of a strong American merchant marine had feared. Nicholas Johnson, Maritime Administrator, in speeches and conversation, has openly been supporting many of these radical changes.

The Johnson administration is about to call for a new maritime policy of eliminating American-flag passenger ships. In addition, it would call for eliminating all but a few American shipyards and permitting American steamship operators to build their ships in foreign shipyards. And in this connection, it suggests the Government subsidize American operators of both American and foreign-built ships.

Mr. Speaker, members of the House Committee on Merchant Marine and Fisheries, I believe, favor the present policy set forth in the Merchant Marine Act of 1936, which provides for an adequate and up-to-date U.S. merchant marine in the interest of national defense. A study of this act by Congress may well be in order, but with the Soviet Union in the process of building up a great modern fleet of new ships, I do not believe it is time for the United States to determine that our merchant marine is expendable.

To depend on foreign-flag ships is unthinkable. Only the other day certain foreign ships from presumably friendly countries refused to transport American military cargoes to Vietnam.

As a member of the House Committee on Merchant Marine and Fisheries, I stand firmly—and I believe other members do too—for a strong and modern merchant marine including sufficient passenger ships to transfer American citizens and military dependents home and military personnel overseas in the event of hostilities.

This administration is recklessly spending hundreds of millions of dollars of the taxpayers' money for unnecessary but politically expedient projects.

I favor curtailment of Federal spending but not in the vital areas of preserving our shipbuilding capacity and maintaining an adequate fleet of American-flag vessels to meet any future situations like the Korean war. Our merchant marine can be maintained at an annual cost of no more than the cost of one pork-barrel project such as the House cut out of the flood control bill last week.

Let us economize in the Nation's interest but in so doing let us not jeopardize the national security. To change our maritime policy as suggested by the Task Force report, I consider unwise and completely unjustified.

A Spiritual Development for the Youth of America

EXTENSION OF REMARKS
OF
HON. J. OLIVA HUOT
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. HUOT. Mr. Speaker, on November 18 next, at Chicago, Ill., there will begin a convention of the National Federation of Catholic Youth Organizations. I desire to call the attention of my distinguished colleagues to the fine work which the Catholic Youth Organizations are undertaking for the social and spiritual development of a large sector of American youth.

In New Hampshire, more than 10,000 young people, under the generous and capable guidance of adult advisers, strive to develop the qualities of leadership and responsibility to take over the conduct of the affairs of this Nation when we have passed from the scene. Their program seeks to supplement their education by a fourfold program of spiritual, cultural, social, and physical activities.

The New Hampshire council is privileged to have effective and responsible leadership on both adult and youth levels. Moreover, the New Hampshire council proposes to present for the consideration of the national convention at Chicago, a young lady for the office of vice president of the young adult section of the federation. Miss Mary Clancy, of Dover, N.H., has distinguished herself in the service of the New Hampshire council, as a personable, capable, and effective young leader, of whom all of us in New Hampshire can be justly proud.

I wholeheartedly support the work of the Catholic Youth Organizations, and urge all of my colleagues to support the efforts of the youth organizations of this country, and of their respective faiths. The future of this Nation is in its youth, and it is only through our active support of our many youth organizations that we can insure that future generations will display the same courage and dedication which has characterized the leaders of the past.

Legislation With 4.5-Percent Increase for Federal Employees Should Be Passed

EXTENSION OF REMARKS
OF
HON. CHESTER L. MIZE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Monday, September 27, 1965

Mr. MIZE. Mr. Speaker, the schedule of legislative activity for the week of September 27 to October 1, indicates that the Government Employees Salary Comparability Act will be up in the House for debate and a vote before the end of this week.

Because I have a series of commitments in the Second Congressional District of Kansas which may require my presence in Kansas at the time this particular bill comes up for a vote, I wish to state that in general I support the comparability principle which has been incorporated in this bill, and I plan to support the legislation if certain amendments are approved which will delete the provision to include Members of Congress in the increases. Despite the sound arguments which have been made in favor of additional pay for Members of Congress, I am not in favor of including them at this time.

As far as the other employees are concerned, I support the 4.5-percent increase which the House bill proposes. I am aware of the move which will be made to decrease this figure. I would hope that the House, in its wisdom, will approve a figure as close to 4.5 percent as possible.